

Strategic Planning Board

Agenda

Date: Wednesday, 17th July, 2013
Time: 10.30 am
Venue: The Capesthorne Room - Town Hall, Macclesfield SK10 1EA

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

Please note that members of the public are requested to check the Council's website the week the Planning/Board meeting is due to take place as Officers produce updates for some or all of the applications prior to the commencement of the meeting and after the agenda has been published.

PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT

1. Apologies for Absence

To receive any apologies for absence.

2. Declarations of Interest/Pre Determination

To provide an opportunity for Members and Officers to declare any disclosable pecuniary and non-pecuniary interests and for Members to declare if they have a pre-determination in respect of any item on the agenda.

3. Minutes of the Previous Meetings (Pages 1 - 24)

To approve the minutes of the previous two meetings as a correct record.

4. Public Speaking

Please Contact: Sarah Baxter on 01270 686462
E-Mail: sarah.baxter@cheshireeast.gov.uk with any apologies or request for further information
Speakingatplanning@cheshireeast.gov.uk to arrange to speak at the meeting

A total period of 5 minutes is allocated for each of the planning applications for the Ward Councillors who are not members of the Strategic Planning Board.

A period of 3 minutes is allocated for each of the planning applications for the following individual/groups:

- Members who are not members of the Strategic Planning Board and are not the Ward Member
- The relevant Town/Parish Council
- Local Representative Groups/Civic Society
- Objectors
- Supporters
- Applicants

5. **13/0922C Land off Biggs Way, Congleton, Cheshire CW12 1LZ: Outline Application For Residential Development Comprising Up To 49 Dwellings Including Access for Congleton Inclosure Trust** (Pages 25 - 48)

To consider the above application.

6. **13/0918C Land off Manchester Road, Congleton CW12 2HU: Outline Application For Residential Development Comprising Up To 45 Dwellings Including Access for Whittaker And Biggs** (Pages 49 - 72)

To consider the above application.

7. **13/1806M Cottons Hotel, Manchester Road, Knutsford, Cheshire WA16 0ED: Extension to time limit for application 09/1485M- Three storey extension to provide a net addition of 27no. bedrooms and associated additional on site parking (resubmission of 08/2233P) for Shire Hotels Limited** (Pages 73 - 78)

To consider the above application.

8. **12/4866W Danes Moss Landfill Site, Congleton Road, Gawsworth, Macclesfield, Cheshire SK11 9QP: To develop and operate a temporary waste transfer station; retention of the existing access road, car parking and weighbridge/weighbridge office; realignment of the internal haul road; hardstandings; earthworks; surface water management system; landscaping and other ancillary development for a period up until December 2027 for Mr Matthew Hayes** (Pages 79 - 112)

To consider the above application.

9. **13/1421N Land To The Rear Of Bridge Street, (Access From Sally Clarkes Lane) Wybunbury: Outline application for residential development at 30 dwellings per hectare net with Primary access off Sally Clarke's Lane and other matters reserved for Mr & Mrs G Poole** (Pages 113 - 132)

To consider the above application.

10. **Cheshire Fresh, Middlewich: Approval Sought For Delegation To Cheshire West And Chester Council** (Pages 133 - 142)

To consider a proposal to delegate the determination of a planning application which bisects the administrative boundary to Cheshire West and Chester Council.

11. **Exclusion of the Press and Public**

To consider passing a resolution under Section 100(A)(4) of the Local Government Act 1972 to exclude the public and press from the meeting for the following item(s) of business on the grounds that it involves the likely disclosure of exempt information in accordance with paragraph 5, pursuant to part 1 of Schedule 12 (A) of the Act.

PART 2 - MATTERS TO BE CONSIDERED WITHOUT THE PRESS AND PUBLIC PRESENT

12. **White Moss Quarry, Barthomley-Update on Local Government Ombudsman Report** (Pages 143 - 146)

To consider the above report.

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Strategic Planning Board**
held on Wednesday, 12th June, 2013 at The Assembly Room - Town Hall,
Macclesfield SK10 1EA

PRESENT

Councillor H Davenport (Chairman)

Councillors Rachel Bailey, L Brown, P Hoyland, J Jackson, D Marren,
P Mason, B Murphy, D Neilson, G M Walton, S Wilkinson and J Wray

OFFICERS IN ATTENDANCE

Ms S Dillon (Senior Lawyer), Mr N Jones (Principal Development Officer), Mr S Irvine (Development Management and Building Control Manager), Mr P Mason (Senior Enforcement Officer), Mr Nutter (The Council's Consultant), Miss L Thompson (Planning Officer), Mr N Turpin (Principal Planning Officer) and Mrs J Wise (Conservation and Heritage Officer)

15 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors D Brown, P Edwards, J Hammond, D Hough and C Thorley.

16 DECLARATIONS OF INTEREST/PRE DETERMINATION

In the interest of openness in relation to applications 12/1212M and 12/1213M, Councillor Mrs R Bailey declared that she was a Member of the Cabinet, however at no point had she expressed an opinion on the applications.

In the interest of openness in relation to applications 12/1212M and 12/1213M, Councillor Mrs J Jackson declared that she was a Trustee on the Board of the Silk Heritage Trust and Chairman of the Friends of Macclesfield Silk Heritage. She was also a Member of the Christ Church Group and a Member of the Macclesfield Economic Forum now known as Make it Macclesfield. She had not taken part in any discussions regarding the proposals and had not expressed a view regarding the proposals.

In the interest of openness in relation to applications 12/1212M and 12/1213M, Councillor D Neilson declared that he had been a Member of the Panel which had looked at the Development Agreement over 5 years ago, however he had not pre determined the application or come to any view on the merits of the application nor had he attended any presentations on the revised plans for the town.

In the interest of openness in relation to applications 12/1212M and 12/1213M, Councillor B Murphy declared that he had attended the meeting

at which Wilson Bowden were appointed but only as an observer and had sought to facilitate a meeting between objectors and. Notwithstanding those events, he had not finalised his judgement on the application.

It was noted that all Members of the Board had received a significant amount of correspondence from people relating to the application.

17 MINUTES OF THE PREVIOUS MEETING

RESOLVED

That the minutes be approved as a correct record and signed by the Chairman.

18 PUBLIC SPEAKING

In accordance with the public speaking procedure, the Chairman exercised his discretion and extended the public speaking time to 10 minutes per speaking category.

RESOLVED

That the public speaking procedure along with the extension in time be noted and agreed.

19 12/1212M - LAND AT CHURCHILL WAY, DUKE ST, ROE ST, SAMUEL ST, PARK, LANE, WARDLE ST, WATER ST, EXCHANGE ST, WELLINGTON ST & GREAT KING ST, MACCLESFIELD TOWN CENTRE

Consideration was given to the above application.

(Councillor Mrs L Smetham, a visiting Councillor, Councillor Mrs L Jeuda, a visiting Councillor, Mr Keith Smith, Chairman of Macclesfield Civic Society, Lynne Jones, representing The Roe-naissance Project, Beverley Moore, representing Wake Up Macclesfield, Beverley Moore, an objector, Mr Sullivan, an objector, Mr Allen, a supporter, Mr Roberts, a supporter, Clare Hayward, a supporter and Mr Ward, the applicant attended the meeting and spoke in respect of the application.

In addition two statements were read out by the Democratic Services Officer. One on behalf of Councillor K Edwards, the Ward Councillor and the other on behalf of Councillor Miss C M Andrew, a Local Councillor).

It was noted that there had been an error on page 214 of the report whereby reference was made to Wilson Bowden owning properties 21, 19 or 17 on Roe Street. Wilson Bowden clarified at the meeting that the only property they owned was No.21 Roe Street.

RESOLVED

That for the reasons set out in the report and in the update report to the Board, the application be approved subject to a prior s106 Agreement securing:-

- (1) £1,034,807 towards the enhancement of existing community facilities within the town centre including conversion of the former Butter Market and Police Station to replace current facilities in the existing Senior Citizens Hall: such re-provision shall be in place before the existing Senior Citizens Hall is demolished.
- (2) £100,000 towards public realm improvements listed in the report, £50,000 of which shall be prioritised for improvements to existing properties on Roe Street: for the avoidance of doubt, this £50,000 is not intended to be claimed twice if it is also secured in connection with Conservation Area Application 12/1213M.
- (3) £71,000 towards highways improvements listed in the report (Traffic Regulation Order funding having been recalculated from £21,000 to £31,000).
- (4) £21,152 towards environmental improvements comprising £10,000 to fund the extension of the town centre Urban Traffic Control System into Cross Street/London Road and/or the implementation of traffic management measures within the existing Air Quality Management Area plus £10,000 to fund Action Plan development and Implementation mitigating against predicted increases of nitrogen dioxide in the Town Centre plus £1,152 to fund 24 months post-development diffusion tube monitoring
- (5) A Local Procurement Protocol and Employment & Skills Plan as described in the report.

And subject to the following conditions:-

Time limits

- 1 A03FP - Commencement of development (3 years)

Plans

- 2 A04AP - Development in accord with revised plans
- 3 A02AP- Detail on plan overridden by condition

Appearance

- 4 A02EX - Submission of samples of building materials.

- 5 A07EX – For each building, sample panels of all external materials to be made available; to include but not limited to : mortar mix, bricks, cladding, glazing, eaves, glazing bars and frames, exposed structural elements, roofing, doors, vents and servicing covers.
- 6 A09EX- Details of rainwater goods
- 7 A11EX- Details to be approved to include:
 - Metal fins to multi-storey on Samuel Street
 - Detail on service doors
 - Cable handrail to roofs
 - Externally visible bulk head panels
 - Details of any flashings/copings with specific reference to Water St.
- 8 A12EX- Fenestration to be set behind reveals (for residential properties on Water St and replacement windows of retained facades on Roe St).
- 9 A13EX – Specification of bonding of brickwork
- 10 A20EX – Submission of details of windows, including materials
- 11 A12GR – No external storage
- 12 No films or boarding shall be attached to screen off any display window without details being submitted and approved
- 13 Details of treatment of walls of properties on Roe Street exposed by demolition works to be approved
- 14 Notwithstanding permitted development rights, details of all hoardings to be approved
- 15 Shop front and advert design code to be approved with removal of permitted development rights/deemed consent for works not in accordance with code
- 16 No shutters without specific approval
- 17 A19MC – Refuse and recycling facilities to be approved
- 18 Detailed scheme of lighting to be approved for entire site to include provision for Christmas lights
- 19 No approval implied for external extraction equipment

Heritage

- 20 Schedule of original features in the buildings to be demolished to be provided to the LPA and such features to be made available for reuse in remaining properties.
- 21 Programme of archaeological work in accordance with approved scheme of investigation

Amenity

- 22 A06GR – No windows to be inserted

Environmental Protection

- 23 A20GR – Hours of deliveries
- 24 Approval of full Environmental Management Plan
- 25 Controls over operational plant noise limits
- 26 Habitable rooms of new housing to be acoustically insulated
- 27 Signage at service yard entrances(s) indicating delivery hours
- 28 Travel Plans to be developed
- 29 2% car spaces to have electric vehicle recharge points and infrastructure for further 4% future provision
- 30 Remediation scheme to deal with contamination to be approved
- 31 Establishment of a Public Liaison Group

Highways

- 31 A02HA – Construction of accesses
- 32 A15HA – Construction of highways-submission of details to include Equality Impact Assessment
- 33 A24HA – Provision/retention of service facility
- 34 A01HP - Provision of parking throughout construction stages to be agreed
- 35 A04HP – Provision of cycle parking to be approved
- 36 A14HP – Provision for motor cycle parking to be approved
- 37 A05HP – Provision of shower, changing lockers and drying facilities

- 38 Details of traffic signals and island adjacent to multi-storey and of Variable Messaging Signs to be approved
- 39 Scheme to be approved for off site signage to car parks
- 40 Details of all areas of highway and public realm to be approved and to include Equality Impact Assessment
- 41 Details of new bus stand to be approved
- 42 Details of coach stop to be approved
- 43 Layout and Management Plan for parking areas to be approved

Public realm

- 44 Detailed scheme for landscaping of public realm to be agreed to include materials, play equipment for Roe Square, street furniture, refuse bins,
Details of wall on Samuel St to be retained/reused, green walling systems, planting plans, tree pits and sight lines for CCTV and notwithstanding reference to planters to provide for tree planting in street unless full justification given to satisfaction of LPA.
- 45 Phasing plan for implementation of public realm areas to be approved.
- 46 A04LS- Landscaping/public realm scheme to be agreed in accord specified standards/approved details.
- 47 Landscape/Public Realm Management Plan to be approved and implemented in perpetuity.
- 48 Details of surfaces and levels around Heritage Centre to be approved
- 49 Public Art Plan to be submitted, to as a minimum provide for art installations in spaces, marked as public art Heritage Panels as indicated on approved plans
- 50 Details of CCTV equipment, installation and management to be approved
- 51 Details of management of security of alleyways to rear of properties on Roe Street and Water Street to be approved and the walkway on the North side of TJ Hughes
- 52 Details of method of preventing vehicular access to pedestrian areas (including Mulberry Square) to be approved

- 53 Directional signage to be provided indicating connections to other key facilities within the town centre in accord with details to be approved.

Phasing

- 54 Phasing plan to be approved to ensure:
- Link from Silk St to Roe Street, public realm works on Roe St, Mulberry Sq, Exchange St and Roe Sq all to be implemented prior to opening of units to Silk St with exception of department store.
 - Completion of residential units on Water St prior to opening of cinema
 - Agreed level of parking to be maintained throughout all construction phases

Drainage

- 55 Method statement for protection of public sewer/culverted watercourse to be approved
- 56 Surface water drainage scheme to be approved

Nature Conservation

- 57 Survey for nesting birds to be undertaken prior to carrying out any works between 1st March and 31st August
- 58 Features for breeding birds to be incorporated in accordance with approved details

(The meeting was adjourned for a short break from 12 noon until 12.10pm. The meeting was then adjourned for lunch from 1.15pm until 2pm. There was then a further adjournment for a short break from 4.40pm until 4.45pm with one final adjournment for a short break from 6.40pm until 6.45pm).

(Prior to consideration of the following item, Councillors B Murphy and G Walton left the meeting and did not return).

- 20 **12/1213M - 23/31 ROE ST, MACCLESFIELD, CHESHIRE SK11 6UT: CONSERVATION AREA CONSENT FOR DEMOLITION OF 27, 29 AND 31 ROE ST AND PARTIAL DEMOLITION OF 23 AND 25 ROE ST (FRONT FAÇADE AND ROOF TO BE RETAINED) FOR WILSON BOWDEN DEVELOPMENTS**

Consideration was given to the above application.

(Frances Harrison, an objector and Mr Ward the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That for the reasons set out in the report, the application be approved subject to a prior s106 Agreement securing:-

£50,000 for improvements of existing properties on Roe Street. For the avoidance of doubt, this sum forms part of the £100,000 secured towards Public Realm Improvements in connection with planning permission 12/1212M, it is not intended to be claimed twice and any part of it unspent after a set period may be directed towards other Public Realm Improvements.

And subject to the following conditions:-

1. A03CA-Standard time limit
2. AOC2A-Development as precursor of redevelopment
3. A04AP-Notwithstanding any reference in any supporting document to the demolition of 5 properties on Roe Street, this approval shall accord with the revised plans which indicate the demolition of 3 properties only and the partial demolition of 23 and 25 Roe Street with front elevations and front and rear roof slopes of the main roofs of these properties retained.
4. Record to be made of assets to be lost and evidence made available via the Historic Environment Record.
5. A schedule of original features in the buildings to be demolished to be provided to the LPA and such features to be made available for reuse in remaining properties in the terrace.
6. No part of the demolition to occur on Roe Street until contracts let for public realm improvements to Roe Street and Mulberry Square and for façade improvements to 21, 23 and 25 Roe Street.

The meeting commenced at 10.30 am and concluded at 7.10 pm

Councillor H Davenport (Chairman)

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Strategic Planning Board**
held on Wednesday, 19th June, 2013 at Council Chamber, Municipal
Buildings, Earle Street, Crewe CW1 2BJ

PRESENT

Councillor H Davenport (Chairman)
Councillor D Hough (Vice-Chairman)

Councillors P Edwards, J Hammond, P Hoyland, J Jackson, A Kolker
(Substitute), D Marren (Substitute), B Murphy, D Newton (Substitute),
G M Walton and J Wray

OFFICERS IN ATTENDANCE

Ms P Cockroft (Senior Planning Officer), Ms S Dillon (Senior Lawyer), Mr D
Evans (Principal Planning Officer), Mr T Evans (Planning Officer), Mr A Fisher
(Corporate Manager Economic Intelligence and Spatial Planning), Mr B
Haywood, (Principal Planning Officer), Mr N Jones (Principal Development
Officer), Mr D Malcolm (Southern Area Manager) and Mr P Wakefield
(Principal Planning Officer)

21 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Mrs R Bailey, D
Brown, P Mason, C Thorley and S Wilkinson.

22 DECLARATIONS OF INTEREST/PRE DETERMINATION

In the interest of openness in respect of application 13/1408N, Councillor
D Hough declared that he knew the applicant.

In the interest of openness in respect of application 12/3746N, Councillor J
Hammond declared that he was a member of the Cheshire Wildlife Trust
who had been a consultee on the application, however he had not made
any comments in respect of the application.

In respect of application 13/0580C, Councillor D Hough declared a non
financial personal interest as he knew the applicant's family well. He left
the room prior to consideration of the application and returned once a
decision had been made.

In the interest of openness in respect of the same application, Councillor P
Edwards declared that he was a member of Cranage Golf Club, however
he had not taken part in any discussion on the proposals.

In respect of the same application, Councillor A Kolker declared that he
had pre determined the application. He declared that he would exercise

his right to speak on the item as Ward Councillor and then would sit as a member of the public for consideration of the item.

In the interest of openness in respect of the same application, Councillor D Newton declared that he knew one of the applicants through association with him as a former Cheshire County Councillor a few years ago, however he had no contact with him since and had not discussed the item with the applicant or pre determined it.

In the interest of openness in respect of the same application, Councillor H Davenport declared that he was not related to one of the speakers who had the same surname as himself.

In the interest of openness in relation to application 13/1305N, Councillor J Hammond declared that he was a Member of Haslington Parish Council who had been consulted on the application, however he had not made any comments in respect of the application.

In the interest of openness in relation to the Brereton Neighbourhood Area Application, Councillor J Wray declared that he had an interest in Brereton as it fell within his Ward.

(Prior to consideration of the following item, Councillor B Murphy arrived to the meeting).

23 PUBLIC SPEAKING

RESOLVED

That the public speaking procedure be noted. In addition, the Board agreed that a further speaker who had not registered within the deadline should be given the opportunity to speak.

24 12/4874C - OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT, COMPRISING 50 HOMES, INCLUDING 15 AFFORDABLE HOMES TO INCLUDE AN AREA OF PUBLIC OPEN SPACE AND A CHILDREN'S PLAY AREA, LAND OFF HAWTHORNE DRIVE, SANDBACH FOR ADELE SNOOK, PERSIMMON HOMES NORTH WEST

(During consideration of the application, Councillor D Marren arrived to the meeting. He did not take part in the debate or vote on the application. In the interest of openness, during consideration of the application, Councillor B Murphy declared that he knew the person speaking against the application by virtue of the fact that the objector had been a former Cheshire County Councillor).

Consideration was given to the above application.

(Councillor S Corcoran, the Ward Councillor, David Lloyd-Griffiths, an objector and Adele Snook, the agent for the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That for the reasons set out in the updated report, the application be approved subject to the completion of a Section 106 Agreement securing the following:-

- Education contributions of £97,617 (9 places) towards primary accommodation and £114,399 (7 places) towards secondary.
- The provision of a LEAP facility (comprising a minimum of 8 items of equipment) and agreement of management details for the maintenance of all amenity greenspace / public open space, public footpaths and greenways within the site, play areas, and other areas of incidental open space not forming private gardens or part of the adopted highway in perpetuity.
- Provision of 30% (15 units) affordable housing with 65% (10 units) to be provided as social/affordable rent and 35% (5 units) provided as intermediate tenure
- Phasing of affordable housing – Not to occupy any more than 18 open market dwellings until 50% of the affordable housing is provided and not occupy any more than 30 open market dwellings until they have provided 100% of the affordable housing.
- The payment of £12,000 for habitat creation/enhancement works in the locality, to offset loss of biodiversity

And subject to the following conditions:-

1. A01OP - Submission of reserved matters
2. A02OP - Implementation of reserved matters
3. A03OP - Time limit for submission of reserved matters
4. A06OP - Commencement of development
5. A01AP - Development in accord with approved plans
6. A22GR - Protection from noise during construction (hours of construction)
7. A23GR - Details of any required pile driving to be submitted
8. A19MC - Refuse storage facilities to be approved
9. A08OP - Ground levels to be submitted with reserved matters application
10. Reserved matters application to incorporate public right of way route
11. Scheme to limit surface water runoff to be submitted
12. Scheme to manage the risk of flooding to be submitted

13. Hedgerow retention and enhancement
14. Habitat creation and enhancement
15. Safeguarding breeding birds
16. Provision for breeding birds and roosting bats
17. Provision for pedestrians and cyclists
18. Written scheme of archaeological investigation to be submitted
19. Submission of environmental management plan
20. Noise mitigation scheme to be submitted
21. Submission of a travel plan
22. Additional Phase II investigation including gas monitoring and assessment to be submitted
23. Drainage details
24. Energy from decentralised and renewable or low-carbon energy sources
25. Submission of arboricultural details
26. Submission of a Construction Management Plan

25 13/1408N-REMOVAL OF CONDITION 9 (RESTRICTED USE) TO PLANNING APPLICATION 12/3106N-ERECTION OF 3 BED DORMER BUNGALOW FOR WHEELCHAIR USER AND FAMILY, LAND AT CHAPEL LANE, BADDILEY FOR MR D CUNDALL

Consideration was given to the above application.

RESOLVED

That the application be refused for the following reasons:-

Contrary to Policies NE.2 (Open Countryside) and RES.5 (Housing in the Open Countryside) of the Crewe and Nantwich Replacement Local Plan 2011 and advice advocated within the National Planning Policy Framework.

26 13/1418C-SUBSTITUTION OF HOUSE TYPES, AT INCREASE FROM 22 DWELLINGS TO 39 DWELLINGS ON THE NORTH WEST PART OF THE SITE, LAND AT THE GREEN MIDDLEWICH FOR LUCY HAWLEY, PERSIMMON HOMES NORTH WEST

Consideration was given to the above application.

(Adele Snook, the agent for the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That that for the reasons set out in the updated report to Board, the application be approved subject to a Deed of Variation to the existing Section 106 Agreement to bind the whole site and secure the following:-

- Affordable housing comprising 14 rented affordable dwellings on the site & 9 intermediate dwellings across the whole site
- £25,853.52 for children's playspace
- £5,742.93 for amenity greenspace
- POS contributions to be spent in accordance with the Council's interim policy within 800m of the development site'
- Provision for a local residents management company to maintain the on-site amenity space
- Education Contribution to be delegated to the Planning and Place Shaping Manager in consultation with the Chairman of the Strategic Planning Board to agree a sum with Education Officers

And subject to the following conditions:

1. Time Limit
2. Approved Plans
3. Remove permitted development rights
4. Submission / Approval of Contaminated Land Investigation / Mitigation
5. Submission / Approval of Details of External Lighting
6. Hours of construction to be restricted to 08:00 to 18:00 hours on Monday to Friday, 09:00 to 14:00 hours on Saturday, with no work at any other time including Sundays and Public Holidays
7. Submission / Approval of details of any piling
8. Submission / Approval of bin storage
9. Submission / Approval of scheme to manage overland flow
10. Submission / Approval of scheme to limit surface water runoff
11. Surface water discharge to mimic that of the existing site
12. Submission / Approval of detail of Sustainable Urban Drainage
13. Only foul water to be connected to sewer
14. Details of bat and bird nest boxes
15. Submission / Approval of Landscaping
16. Implementation of Landscaping
17. Submission / Approval of Tree protection
18. Implementation of Tree Protection
19. No works to take place during nesting season without submission / approval of bird survey
20. Enhancement of existing hedgerows
21. Development to take place in accordance with Great Crested new mitigation measures
22. Submission / Approval of materials
23. Submission / Approval of road construction details
24. Provision of car parking
25. Submission / Approval of details of boundary treatment

26. Submission / Approval of construction management plan

(This was a change in the Officers original recommendation from on of refusal to one of approval).

27 13/1210C-RESERVED MATTERS PLANNING APPLICATION TO ERECT 65NO. DWELLINGS WITH ASSOCIATED HIGHWAY AND EXTERNAL WORKS, LAND OFF, CREWE ROAD, ALSAGER FOR MILLER HOMES LTD

Consideration was given to the above application.

(Matthew Symons, the agent for the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That for the reasons set out in the report and in the update to Board, the application be approved subject to the following conditions:-

1. Standard
2. Approved plans
3. Materials
4. Revised scheme of Landscaping to the POS
5. Landscape implementation
6. Scheme to provide compensatory flood storage
7. Submission of results of 1D hydraulic model of Valley Brook.
8. Submission of Specification for LEAP. Further consultation with the Plannig Officer and local residents to be undertaken regarding the type of play equipment to be installed
9. Submission of levels, sections and details of the proposed retaining wall. Details to include how the footpath link to the south of the site negotiates the retaining wall
10. Details of alternative route for footpath to be submitted and agreed
11. Submission of revised details of the proposed footpath surface
12. No approval for fence to western boundary – hedge to be retained.
13. Submission of details of signage to footpath. Details of route footpath to be agreed with Planning Officer in liaison with the residents.

28 12/3746N-NEW HIGHWAY ACCESS ROAD, INCLUDING FOOTWAYS AND CYCLEWAY AND ASSOCIATED WORKS, LAND OFF PETER DESTAPELEIGH WAY, NANTWICH FOR MR CARL DAVEY, MULLER PROPERTY GROUP

(During consideration of the application, Councillor D Marren declared that he was a Member of Nantwich Town Council who had been consulted on the application but he had not discussed the item with them).

Consideration was given to the above application.

(Councillor P Groves, the Ward Councillor, Councillor A Martin, the Ward Councillor, Parish Councillor J Davenport, representing Stapeley & District Parish Council, Pat Cullen, representing the Protect Stapeley Group and Mr Woods, an objector attended the meeting and spoke in respect of the application).

RESOLVED

That the Board would be minded to refuse the application as the proposed development was unsustainable because it would result in a loss of habitat for protected species and part of an area allocated for tree planting, landscaping and subsequent management contrary to policies NE9 (Protected Species) and NE10 (New Woodland Planting and Landscaping) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and paragraph 118 of the National Planning Policy Framework.

(This decision was contrary to the Officers recommendation of minded to approve).

29 13/1559C-OUTLINE APPLICATION FOR UP TO 13NO. RESIDENTIAL DWELLING HOUSES, ASSOCIATED INFRASTRUCTURE AND ANCILLARY FACILITIES, LAND EAST OF SCHOOL LANE, SANDBACH HEATH, SANDBACH FOR JEAN PIERPOINT, PAUL FERGUSON, AND GRANT AND HELEN DINSDALE

Consideration was given to the above application.

(Councillor S Corcoran, the Ward Councillor, Anthea Buxton, an objector and Russell Adams, the agent for the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That the application be refused for the following reasons:-

1. The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policies PS8 and H6 of the Congleton Borough Adopted Local Plan First Review 2005 and the principles of the National Planning Policy Framework. The Local Planning Authority can demonstrate a 5 year supply of housing land supply in accordance with the National Planning Policy Framework, and as such the application is also premature to the emerging Development Strategy. Consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for

approval/refusal) prior to the decision being issued, the Planning and Place Shaping Manager has delegated authority to do so in consultation with the Chairman of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Committee's decision.

(The meeting adjourned for a short break. Councillor D Marren left the meeting and did not return).

30 13/0580C-CREATION OF A NEW 27NO. BEDROOM HOTEL, 6NO. GARDEN SUITES WITH MINOR MODIFICATIONS TO THE GOLF COURSE & CONSTRUCTION OF 7NO DWELLINGS WITH COMMUNITY LEISURE FACILITIES (RESUB 12/0682C), WOODSIDE GOLF CLUB, KNUTSFORD ROAD, CRANAGE, CREWE FOR WOODSIDE GOLF CLUB

Consideration was given to the above application.

(Councillor A Kolker, the Ward Councillor, Parish Councillor Halstead, representing Cranage Parish Council, Mr Jay Ashall, the agent for the applicant and Mr Shaun Devany, the applicant attended the meeting and spoke in respect of the application. In addition the Democratic Services Officer read out a statement on behalf of Councillor L Gilbert, the Ward Councillor).

RESOLVED

That the application be deferred for further information on a variety of issues including:-

(i) Details regarding the type and quality of the community facilities proposed

(ii) Details regarding the funding necessary to provide the community facilities and the financial and management arrangements proposed to secure their ongoing maintenance into the future

(iii) Further advice regarding the extent to which non-heritage assets such as community facilities may be considered enabling development and taken into account as material planning considerations, together with a more detailed consideration of the existing need and enabling link identified in this case

(iv) following from the above, a more detailed assessment regarding the balance of public benefit in this case

(v) the consultation response of the University of Manchester regarding harm to the radiotelescopes at Jodrell Bank.

(This decision was contrary to the Officers recommendation of refusal).

31 13/1215C-RESERVED MATTERS APPLICATION FOR 10/2608C FOR THE APPEARANCE, LANDSCAPING, LAYOUT & SCALE FOR PHASE 1 TO INCLUDE 68 DWELLINGS, LAND SOUTH OF HIND HEATH ROAD, SANDBACH FOR BOVIS HOMES

Consideration was given to the above application.

(Matthew Charnock, representing the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That for the reasons set out in the report and in the update to Board, the application be approved subject to the following conditions:-

- 1 Standard
- 2 Approved plans
- 3 Materials
- 4 Boundary treatment
- 5 Landscaping
- 6 Landscape implementation

(The meeting adjourned for a short break).

32 13/1324N-VARIATION OF CONDITION 2 (RESERVED MATTERS), 6 (EXTERNAL LIGHTING), 15 (DRAINAGE), 19 (AFFORDABLE HOUSING) AND REMOVAL OF CONDITION 12 (FLOODING) ON 12/4654N FOR RESIDENTIAL DEVELOPMENT OF UP TO 240 DWELLINGS, LAND OFF QUEENS DRIVE, NANTWICH FOR MR S GLADMAN, GLADMAN DEVELOPMENTS

Consideration was given to the above application.

RESOLVED

That that for the reasons set out in the report, the application be approved subject to a Deed of Variation to the Section 106 Agreement to reference the new consent and the following conditions: (Amendments underlined)

1. Standard outline (Phased)
2. Standard outline (Phased)
3. Plans
4. Submission / Approval / Implementation of details of appropriate mitigation measures to prevent any risk of pollution or harm to the adjacent Shropshire Union Canal
5. Submission / Approval / Implementation of Environmental Management Plan

6. Submission / Approval / Implementation of External Lighting (no reference to 5-aside pitch)
7. Submission / Approval / Implementation of noise mitigation measures
8. Submission / Approval / Implementation of Contaminated Land Assessment
9. No access to level crossing from site.
10. Discharge of surface water from the proposed development to mimic that which discharges from the existing site.
11. Submission / Approval / Implementation of Sustainable Urban Drainage System
12. DELETED
13. Submission / Approval / Implementation of a scheme to limit the surface water run-off generated by the proposed development,
14. Submission / Approval / Implementation of a scheme to manage the risk of flooding from overland flow of surface water and any potential floodwaters from the Shropshire Union Canal
15. This site must be drained on a separate system, with only foul drainage connected into the public foul sewerage system. Foul water to discharge at a maximum discharge rate of 10 l/s.
16. Surface water should discharge to soakaway and or watercourse as stated within the FRA submitted.
17. Reserved matters to make provision for 10% renewable energy
18. Submission / Approval / Implementation of sustainability framework/strategy
19. Submission / Approval / Implementation of scheme for affordable housing to make provision for
20. 30% of the dwellings to be affordable, (at 240 units this equates to up to 72 dwellings.)
21. The tenure split of the affordable housing required is 65% rented, 35% intermediate tenure
22. Affordable Homes should be pepper-potted (in clusters is acceptable.)
23. The affordable homes should be built to the standards adopted by the HCA at the time of development and achieve at least Code for Sustainable Homes Level 3
24. The affordable homes should be provided no later than occupation of 50% of the market dwellings (or 80% if the development is phased and there is a high level of pepper potting of the affordable units)
25. Any rented units/shared ownership housing to be transferred to an RSL
26. Submission / Approval / Implementation of tree and hedge protection measures,
27. Submission / Approval / Implementation of a programme of tree works, an Arboricultural Method Statement
28. Submission / Approval / Implementation of a landscape scheme,
29. Submission / Approval / Implementation of details of services locations

30. Submission / Approval / Implementation of proposed future management of the new areas of planting,
31. Reserved matters to make provision for retention of Important Hedgerows.
32. All reserved matters applications to comply with provisions of the Masterplan and Design Code
33. Safeguard breeding birds
34. Ensure any reserved matters application includes detailed proposals for the proposed habitat creation areas including pond design, hedgerow creation, protection and enhancement etc.
35. Ensure any reserved matters application includes additional provision for breeding birds and roosting bats
36. Ensure any reserved matters application includes an up to date badger survey and mitigation proposals for any adverse impacts identified.
37. Ensure any reserved matters application includes a 10 year habitat management plan.
38. Details of bin storage to be submitted to the Local Planning Authority
39. Submission of Construction Method Statement
40. Reserved matters to make provision for a total of 9,450 sqm open space comprising of 4,050 sqm shared recreational open space and 5,400 sqm shared children's play space to include:
 - a. NEAP to cater for both young and older children - 6 pieces of equipment for young, plus 6 pieces for older children including a cantilever swing with two support legs plus basket seat and a ground-flush roundabout. All equipment needs to be predominantly of metal construction, as opposed to wood and plastic.
 - b. Multi Use Games Area.

33 13/1986N-VARIATION OF CONDITION 4 OF APPLICATION 11/4346N- A HYBRID APPLICATION, COMPRISING (I) FULL APPLICATION FOR THE DEMOLITION OF EXISTING BUILDINGS ON THE SITE AND THE CONSTRUCTION OF A SURFACE GRADE CAR PARK (240 SPACES PLUS 11 DISABLED), A TAXI RANK, IMPROVED SUBWAY ACCESS (II) AN OUTLINE APPLICATION WITH ALL MATTERS RESERVED FOR NEW TWO-STOREY COMMERCIAL BUILDING TOWARDS NORTH WEST OF THE SITE WITH POTENTIAL TO INCORPORATE A3 (RESTAURANTS AND CAFES) OR A5 (HOT FOOD TAKEAWAYS), FORMER RA

Consideration was given to the above application.

RESOLVED

That for the reasons set out in the report, the application be approved subject to the following conditions:-

1. Standard 3 year time limit (Phase A – Car Park)
2. Standard outline time limit (Phase B – Two-Storey Commercial Building)
3. Submission of reserved matters shall be made within 3 years (Phase B - Two-Storey Commercial Building)
4. Approved Plans including Amended Layout
5. Materials as already agreed and specified
6. Details of Boundary Treatment
7. Revised Landscaping scheme to be submitted
8. Landscaping implementation
9. Breeding bird survey to be carried out prior to commencement of any works during nesting season for Plot B
10. Submission of details of bin storage
11. Revised Surface Water Drainage Strategy to be submitted
12. Revised scheme of Surface Water Regulation to be submitted
13. Construction of access prior to first use
14. Hours of construction restricted
15. Hours of pile driving operations restricted
16. Revised details of Sustainable Urban Drainage System to be submitted
17. Only foul drainage to be connected to sewer
18. Limit retail floorspace to 549m² with subdivisions to provide 6 units
19. Construction Method Statement in accordance with agreed details
20. Traffic Management Plan in accordance with agreed details
21. Scheme for of real time parking information in accordance with agreed details
22. Details of CCTV in accordance with agreed details
23. Demolition to take place in accordance with submitted demolition strategy
24. Details of the proposed finishes and hard landscape treatments of the subway and stair facilities
25. Submission of details of cycle racks
26. Submission of details of external lighting
27. Dust Management Plan in accordance with agreed details

34 13/1305N-OUTLINE PLANNING APPLICATION FOR A MIXED RESIDENTIAL SCHEME TO PROVIDE AFFORDABLE, OPEN MARKET AND OVER 55'S SHELTERED ACCOMMODATION, OPEN SPACE AND NEW ACCESS OFF CLOSE LANE (76 FAMILY DWELLINGS COMPRISING ONE TO FOUR BEDROOMS AND 56 DWELLINGS FOR THE OVER 55'S COMPRISING 1 AND 2 BEDROOMS), LAND TO THE WEST OF CLOSE LANE AND NORTH OF CREWE ROAD, ALSAGER FOR MULLER PROPERTY GROUP

Consideration was given to the above application.

(Councillor R Fletcher, the adjacent Ward Councillor, Parish Councillor R Hovey, representing Haslington Parish Council, Honorary Alderman Derek Bould, representing Alsager Residents Action Group (ARAG), Ian White and objector and Simon Hawley, the agent for the applicant and Carl Davey, the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That for the application be refused for the following reasons:-

1. Due to the location of the site, the proposal is considered to be an unsustainable development site for residential purposes and would result in the loss of agricultural land within the open countryside. It is therefore contrary to Policy NE.2 (Open Countryside) NE. 12 (Agricultural Land Quality) and Policy RES.5 (Housing in the Open Countryside) of the Crewe and Nantwich Local Plan) and the provisions of the NPPF with respect to unsustainable development. In addition, the Local Planning Authority can demonstrate a 5 year supply of housing land supply in accordance with the National Planning Policy Framework, and as such the application is also premature to the emerging Development Strategy. Consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.
2. The proposed development is likely to be car-dependent by virtue of (i) its isolated location (ii) its limited accessibility to bus services along Close Lane (iii) the undesirable walking environment along Close Lane due to the lack of pavement on both sides of the road: and therefore comprises unsustainable development contrary to the National Planning Policy Framework.

In order to give proper effect to the Board's intentions and without changing the substance of the decision, authority is delegated to the Planning and Place Shaping Manager, in consultation with the Chair (or in his absence the Vice Chair of [SPB]), to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

35 BRERETON NEIGHBOURHOOD AREA APPLICATION

Consideration was given to the Brereton Neighbourhood Area Application.

(Jane Deans, Chairman of the Brereton Neighbourhood Planning Group attended the meeting and spoke in respect of the item).

RESOLVED

- (1) That the report be noted.
- (2) That the Portfolio Holder for Strategic Communities be recommended to approve the designation of Brereton Parish as a

Neighbourhood Area for the purposes of preparing a Neighbourhood Plan.

(The following items were taken after Minute No.37).

36 EXCLUSION OF THE PRESS AND PUBLIC

Pursuant to Section 100B (2) of the Local Government Act 1972, the report relating to the remaining item on the agenda had been withheld from public circulation and deposit on the grounds that the matters may be determined with the public and press excluded.

It was moved and seconded, pursuant to Section 100A (4) of the Local Government Act 1972 that the public and press be excluded from the remaining item of the Board's business on the grounds that the item involved the likely disclosure of exempt information as defined in Paragraph 5 of Part 1 of Schedule 12A to the Local Government Act 1972, as amended, and that the public interest would not be served in publishing the information, and it was:-

RESOLVED

That the press and public be excluded from the remainder of the meeting for the reasons given.

37 UPDATE FOLLOWING THE REFUSAL OF PLANNING APPLICATION 12/4872C-LAND OFF SANDBACH ROAD NORTH, ALSAGER

(During consideration of the item, Councillor D Newton left the meeting and returned and therefore did not vote on the application).

Consideration was given to the above report.

RESOLVED

That for the reasons set out in the report and in the oral update to Board reasons for refusal 2 (Highways), 3 (Protected Species) and 5 (Hedgerow Regulations Assessment) be withdrawn and that the Planning and Place Shaping Manager be instructed not to contest these reasons for refusal at the forthcoming Public Inquiry.

The Heads of Terms for a S106 Agreement shall include a highways contribution of £100,000 towards highway works within the vicinity of the site (if this sum has not been spent in a period of 15 years it shall be repaid by the Council to the person who paid the sum).

That authority be delegated to the Planning and Place Shaping Manager in consultation with the Chairman of Strategic Planning Board to consider any further information which may be submitted in relation to Reason for

Refusal 4 (Contaminated Land) and to determine whether or not to contest this reason for refusal at the forthcoming Public Inquiry.

(The meeting adjourned for lunch at 1.10pm and reconvened at 1.50pm).

The meeting commenced at 10.30 am and concluded at 7.00 pm

Councillor H Davenport (Chairman)

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Application No: 13/0922C

Location: Land off, Biggs Way, Congleton, Cheshire, CW12 1LZ

Proposal: OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT
COMPRISING UP TO 49 DWELLINGS INCLUDING ACCESS

Applicant: CONGLETON INCLOSURE TRUST

Expiry Date: 31-May-2013

SUMMARY RECOMMENDATION

Approve, subject to conditions and
the completion of a S106 agreement

MAIN ISSUES

- Development of land in Open Countryside
- Housing policy and supply
- Provision of affordable housing
- Scale, design, layout, density and impact on residential amenity
- Impact on highway safety & sustainability of the site
- Impact on landscape, trees and ecology
- Provision of Public Open Space / play facilities
- Heads of terms for a legal agreement

REASON FOR REPORT

The proposal is a major development as defined by The Town and Country Planning (Development Management Procedure) Order 2010. Under the Council's constitution, such applications are required to be considered by Committee.

The application seeks outline planning permission for up to 49 dwellings on land allocated as Open Countryside and therefore is considered to be of strategic importance.

DESCRIPTION OF SITE AND CONTEXT

The site is located approximately 1 mile north of Congleton Town Centre. The site is bounded by the A34 (Manchester Road) to the west and A34 Macclesfield Road to the South. To the east is the residential development of Galloway Green, (by Seddons), on the former Cattle Market.

The proposed development is located on a Greenfield site that lies outside the Settlement Zone Line for Congleton, within the Open Countryside as identified in the adopted Congleton Borough Local Plan First Review.

The site measures 2.2 hectares and comprises of three fields with a network of mature hedgerows and mature trees.

DETAILS OF PROPOSAL

Outline planning permission is sought for the development of the site for up to 49 dwellings. The illustrative layout plan shows a mix of detached, semi detached and terraced properties, with a higher density to the south of the site (25-30 dwellings per hectare) and a medium density to the north the site (20-25 dwellings per hectare).

No information has been provided in relation to the height of the dwellings.

The developer seeks agreement to the principle of development, with access off Biggs Way (Galloway Green). Matters of appearance, landscaping, layout and scale are reserved for subsequent approval.

RELEVANT PLANNING HISTORY

Current application 13/0918C - Land off Manchester Road
Elsewhere on this agenda

POLICIES

Congleton Borough Local Plan First Review policies

PS8 Open Countryside
GR1 New Development
GR2 Design
GR3 Residential Development
GR5 Landscaping
GR6 Amenity and Health
GR9 Accessibility, servicing and provision of parking
GR14 Cycling Measures
GR15 Pedestrian Measures
GR17 Car parking
GR18 Traffic Generation
GR21 Flood Prevention
GR 22 Open Space Provision
NR1 Trees and Woodland
NR2 Statutory Sites (Wildlife and Nature Conservation)
NR3 & NR5 Habitats
NR8 Agricultural Land
H2 Provision of New Housing Development
H6 Residential Development in the Open Countryside
H13 Affordable Housing and Low Cost Housing

Other Material Considerations

- National Planning Policy Framework (2012)
- Strategic Market Land Availability Assessment (SHLAA)
- Cheshire East Local Plan Development Strategy

- Congleton Town Strategy
- Affordable housing - Interim Planning Statement on Affordable Housing and SPD 'Affordable Housing and Mixed Communities'
- Open space – SPG1 'Public Open Space' and Interim Guidance Note
- Sustainable Development SPD

CONSULTATIONS

Environment Agency

The Environment Agency has no objection in principle to the proposed development, and provides the following comments:

We are promoting, with help of local authorities and councils, Sustainable Drainage Systems (SuDS). These include the incorporation of retention ponds, swales, porous pavement and green roofs to reduce the damage upon of our aquatic resources. These developments provide an ideal opportunity and the developer should assess the feasibility of incorporating SuDS within their scheme.

The discharge of surface water from the proposed development is to mimic that which discharges from the existing site. If a single rate of discharge is proposed, this is to be the mean annual run-off (Qbar) from the existing undeveloped greenfield site. For discharges above the allowable rate, attenuation will be required for up to the 1% annual probability event, including allowances for climate change.

The discharge of surface water should, wherever practicable, be by Sustainable Drainage Systems (SuDS). SuDS, in the form of grassy swales, detention ponds, soakaways, permeable paving etc can help to remove the harmful contaminants found in surface water and can help to reduce the discharge rate. Therefore the following conditions are recommended:

- Scheme to manage surface water run-off
- Scheme to manage the risk of flooding from overland flow of surface water
- 5 metre wide buffer zone alongside the *watercourses*
- Further ecological survey & mitigation/compensation measures

Environmental Health

Environmental Health's initial objection (in respect of insufficient information) has been withdrawn, due to the submission of an Air Quality Addendum report.

No objection is raised, subject to two conditions in respect of mitigation measures to reduce emissions and control dust pollution during construction works.

Highways

The Strategic Highways Manager advises that the proposed traffic generation from this development will not have a material impact on the local highway network in pure traffic terms; however, the cumulative impact needs to be considered. The need for the

development to provide sustainable modes of transport requires funding towards improving access to cycle paths and the provision of a TOUCAN crossing.

Biggs Way was designed with a 90 dwelling capacity, although it currently only used by 4 dwellings. The road has been formally adopted to Cheshire East standards. No objection is raised in respect of the access into the site, or the junction with Macclesfield Road.

Public Rights of Way Team

Proposed developments may present an opportunity to improve walking and cycling facilities in the area for both travel and leisure purposes.

The proposed footway/cycleway and crossing facilities within the development proposal would be supported, and should be designed and constructed to best practice, with natural surveillance. Destination signage should be provided on site. The developer would be required to include the maintenance of these paths within arrangements for open space management.

School Organisation and Capital Strategy

The most up-to-date forecasts indicate that there is sufficient capacity at local schools to accommodate the pupils generated by the proposal; therefore no commuted sum is required.

Congleton Sustainability Group

Congleton Sustainability Group support the principle of development of this site as, while it falls outside the current Settlement Zone Line for Congleton, it complies with the Congleton Town Strategy, the Cheshire East Borough Council (CEBC) Draft Development Strategy and the emerging CEBC Local Plan all of which have identified the north and west of Congleton, including this site, for significant levels of development during the plan period.

They support development in the west and north of Congleton as this area is close to most of the employment sites in the town and as such should reduce the need for out commuting. However, while currently there are limited employment opportunities in Congleton, which should be addressed by the Local Plan, residents of this development can also access employment at Crewe, Macclesfield and elsewhere in Cheshire East without having to pass through the congested town centre. Once the proposed Congleton Link Road has been constructed, access to other areas of Cheshire East can be gained with minimal use of the existing local roads.

They do however have a number of concerns relating to the details of this planning application most of which can and should be addressed through conditions attached to any approval. These concerns are summarised as follows:

- The development must conform to the masterplan for north and west Congleton and set the benchmark for sustainability for development in this area
- The applicant's sustainable travel proposals need to be enhanced and form conditions to any planning approval

- The development must contain firm proposals to reduce its carbon footprint

United Utilities

No objection, subject to the site being drained on a totally separate system, in accordance with the Flood Risk Assessment submitted with the application.

VIEWS OF THE PARISH / TOWN COUNCIL

Congleton Town Council raises no objection to the proposal. They recommend that any S106 contributions be directed towards Congleton Public Realm Strategy.

OTHER REPRESENTATIONS

Representations have been received from 26 parties, the majority of which are from the Galloway Green development.

The key planning concerns raised are in respect of:

Access/Traffic/Parking

- Highway safety, particularly having regard to the number of families/children
- Failure to meet access standards
- The existing road system is inadequate, the proposed development will exacerbate the problems
- Access to the “Biggs Way” development should come off the same junction on Manchester Road to that being proposed in application 13/0918C, not off Biggs Way
- Access should come off Walfield Avenue
- Biggs Way is a narrow road with residents parking on the road. It is not wide enough for the increased volume of traffic
- The junction at Galloway Green with Macclesfield Road is congested, and cannot cope with any additional traffic
- Proposal would increase congestion
- Biggs Way is used for drop off/pick up from school - blocking access to the proposed development
- Galloway Green will be used as a rat run at peak times
- Insufficient parking
- Congleton is only accessible by car
- Proposal will bring traffic to an unacceptable level
- The Grove Inn pub is changing to a convenience store which will increase traffic further
- How will emergency services/refuse vehicles access the site off Biggs Way?
- The proposal will not result in 30 extra vehicle trips, more likely 100

Harm to Countryside/Landscape

- Loss of important trees
- Harm to landscape spoiling existing contours
- Visually obtrusive and damaging to the landscape

- Loss of open space
- Adverse effect on rural area
- We should be conserving green spaces, not developing them
- The development will change the character of the area

Loss of Agricultural Land

- Destroying high quality agricultural land
- Inappropriate development on farmland

Harm to Ecology

- Threat to wildlife, particularly birds and bats & owls

Brownfield redevelopment

- Brownfield sites with existing planning permission are not being developed
- Brownfield sites should be developed first
- The redevelopment of the Cattle Market by Seddons was development of Brownfield land. The current proposals are different as they are on undeveloped fields
- Eaton Bank Farm area should be developed first

Location of the site

- The development is out of town, and will have an adverse impact on the town's vitality/viability
- Congleton is accessible on foot via Rood Hill, which is steep, long hill – not an easy or pleasant walk

No need for additional housing

- Given the developments at Astbury Mere, Havannah Village and Brookfields, there is no economic need for additional housing in Congleton
- There are numerous houses for sale on Galloway Green
- The relocation of Astra Zeneca, will increase the number of homes available in the area

Infrastructure

- There is insufficient infrastructure in place to meet the additional demands, e.g. school places, health services, open spaces, play areas
- The Congleton Relief Road needs to be completed prior to any additional houses being built

Scale/Design/Layout

- Over development
- Excessive scale
- Conflicts with existing pattern of development

Residential Amenity

- Paths/cycle routes will result in overlooking/loss of privacy
- Lack of private space
- Overlooking existing properties
- Blocking natural light
- Generating noise disturbance
- Policy GR6 seeks to protect the amenities of existing residential developments by ensuring that any new development adjoining or near to existing residential property is neither visually or environmentally intrusive. The wildlife corridor goes some way to minimise the impact, however, given that the land rises from the existing dwellings to the A34 boundary, and that some of the existing boundary properties are 3 storey, then the visual impact will be intrusive at best

Community

- The proposals will harm community spirit

Community Consultation

- As the applicant is a Community Trust, the Town Council will not object to the proposal, as they will benefit from the development.

Noise

- The acoustic report indicated there is a presumption against granting planning permission due to the level of noise. The applicant is proposing unsightly mitigation measures to address this
- The report has discounted the noise from the emergency ambulance station, which is within 100m of the proposed development. This noise is typical, not incidental
- The development would detract from the “peace and quiet”

Air Quality

- The development will add emissions from additional cars which will adversely affect air quality
- The site is already seriously affected by regular standing traffic on the two adjacent A roads

Flooding

- Irrespective of the details outlined in the Flood Risk Assessment Report and Drainage Assessment, the proposed development site has a significant problem with flooding. For much of the year, there is a pond in the middle of the site.

Suggested Conditions

- Wildlife corridor should be made compulsory – as wide as possible to minimise the impact of the development
- Landscaping of the wildlife corridor
- Development should be limited to 49 dwellings
- Development should not have an overbearing effect/result in a loss of privacy
- No construction access through Galloway Green/construction yard to be sited away from existing houses/no employees / contractors parking on Galloway Green
- Phased development
- Noise barrier to be fabricated in brick
- Materials to match Galloway Green development
- Hours of operation restricted
- Play areas on site for older children
- Street furniture to be kept to a minimum
- Trees and hedgerows should be retained to support existing wildlife

Other issues

- Proposals should not be considered in isolation rather as a group of proposals
- Existing cycle paths are not used, the extension/additional cycle routes will not be used either
- A new cycle path will create a race track around the site
- The proposed access off Manchester Road should not prejudice the access to the Moss Farm site
- There needs to be a masterplan for the whole site, with open space, play areas, roads, footpaths and landscaping interlinked
- Piecemeal developments will not provide appropriate infrastructural requirements

APPLICANT'S SUPPORTING INFORMATION

The following information has been submitted in support of the application: -

- Planning Statement
- Design and Access Statement
- Tree Survey
- Air Quality Report
- Drainage Assessment
- Noise assessment
- Statement of Community Involvement
- Ecological report
- Transport Statement
- Land contamination questionnaire
- Heads of Terms

Details of the above documents can be found on the application file.

OFFICER APPRAISAL

Main Issues

Given that the application is submitted in outline, the main issues in the consideration of this application are the suitability of the site for residential development, having regard to matters of planning policy and housing land supply, affordable housing, highway safety and traffic generation, contaminated land, air quality, noise impact, landscape impact, hedge and tree matters, ecology, residential amenity, open space, play provision and sustainability.

Policy Position

The site lies within the Open Countryside as designated in the Congleton Borough Local Plan First Review, where policies H6 and PS8 state that only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted.

The National Planning Policy Framework (NPPF) indicates that account should be taken of the intrinsic character and beauty of the Countryside, with restrictions on new housing to where it would enhance or maintain the vitality of rural communities. Policies H6 and PS8 have been formally saved, and are consistent with policy contained within the Framework. As such, and carry some weight.

The proposed development would not fall within any of the categories of exception to the restrictive policy relating to development within the Open Countryside. As a result, it would constitute a “departure” from the development plan and there is a presumption against the proposal, under the provisions of sec.38(6) of the Planning and Compulsory Purchase Act 2004, which states that planning applications must be determined *“in accordance with the plan unless material considerations indicate otherwise”*.

The key issue is therefore whether there are any other material considerations associated with this proposal, which are a sufficient material consideration to outweigh the policy objection.

Members should note that on 23rd March 2011 the Minister for Decentralisation, Greg Clark published a statement entitled ‘Planning for Growth’. On 15th June 2011 this was supplemented by a statement highlighting a ‘presumption in favour of sustainable development’ which has now been published in the National Planning Policy Framework (NPPF) in March 2012.

Collectively these statements and the National Planning Policy Framework mark a shift in emphasis of the planning system towards a more positive approach to development. As the minister says:

“The Government's top priority in reforming the planning system is to promote sustainable economic growth and jobs. Government's clear expectation is that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy”.

Development Strategy

Cheshire East Council is preparing its new Local Plan which will guide the future planning and development of the area. Between 15th January and 26th February 2013, the Council consulted on two documents: the Development Strategy and Emerging Policy Principles.

The Development Strategy sets out the proposed overall number of new homes and employment land that will be needed. It suggests levels of development for the main towns and identifies proposed strategic development sites.

The Policy Principles document sets out proposed policy principles to make sure that new development helps deliver objectives for enterprise and growth, plus stronger communities, better connectivity and a sustainable environment.

The Development Strategy and Policy Principles documents are not the final version of the Local Plan but the results of the consultation will be instrumental in drafting the final submission draft of the Local Plan. The application site is part of the site identified as Congleton 4 in the Development Strategy.

Site Congleton 4

Manchester Road to Macclesfield Road

1. Provision of, or contribution to, the Congleton Link Road;
2. Provision of 550 new homes (at approximately 30 dwellings per hectare);
3. Including 'housing to meet local needs', in line with Policy SC4 in the Emerging Policy Principles document;
4. Small scale local retail development in the region of 200-300 sqm;
5. Provision of:
 - i. Community facility / place of worship;
 - ii. Public house / take away / restaurant;
 - iii. Sports and leisure facilities
6. Incorporation of green infrastructure;
7. Pedestrian and cycle links to new and existing residential areas, shops, schools and health facilities; and
8. On site provision, or where appropriate, relevant contributions towards transport and highways, education, health, open space and community facilities.

Congleton Town Strategy

Congleton Town Council fully supports the Government's objective for communities to help shape their own future through engaging in neighbourhood planning. Cheshire East Council was successful in bidding for Neighbourhood Planning Frontrunner funds to help develop an innovative new approach to embedding the spirit of Localism in the production of the Local Plan.

The Congleton Town Strategy looks at how the town might develop in the future. It indicates where new employment, housing and other uses may be located, along with how new infrastructure might be prioritised.

An Advisory Stakeholder Panel, drawn from the Town Council, community partnerships, local businesses and community groups worked hard to put together their ideas on how they want to see Congleton grow and develop over the next 20 years.

Consultation on the draft Congleton Town Strategy took place between 2nd March and 2nd April 2012. All comments received were considered and the document revised accordingly. This revised document was approved at a meeting of Congleton Town Council on 23rd August 2012. At a special meeting held on 4th September 2012, Congleton Town Council approved an indicative route for the northern link road and this has been reflected in the Congleton Town Strategy.

The Congleton Town Strategy now forms part of the Cheshire East Local Plan evidence base and will inform the development of the new Local Plan. It may also be a material consideration in the determination of planning applications.

The application site is within Area D as identified within the Congleton Town Strategy. The Strategy suggests that Area D could accommodate 1,000 homes. The Strategy states that

'having reviewed consultation responses received, the majority of the stakeholder panel identified that priority should be given to those sites that contributed to the delivery of the northern link road, are closest to existing employment sites and provide access to the greater part of Cheshire East and the M6 without the need to cross the town. This includes sites to the north (sites A, B, C, D) and to the west (H and G) of the town'.

Economic Growth Implications

The Written Ministerial Statement: Planning for Growth (23 March 2011) goes on to say

"when deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate housing, economic and other forms of sustainable development."

They should, inter alia, consider fully the importance of national planning policies aimed at:

- fostering economic growth and employment, given the need to ensure a return to robust growth after the recent recession;
- take into account the need to maintain a flexible and responsive supply of land for key sectors, including housing;
- consider the range of likely economic, environmental and social benefits of proposals;
- ensure that they do not impose unnecessary burdens on development.

It is clear that the proposed development will help to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits to the town

including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain. These are considered to be important material considerations which weigh in favour of the development.

Loss of Agricultural Land

Policy NR8 of the Local Plan states that development on the best and most versatile agricultural land (grades 1, 2 and 3a in the ministry of agriculture fisheries and food classification) will not be permitted unless:

- the need for the development is supported in the local plan;
- it can be demonstrated that the development proposed cannot be accommodated on land of lower agricultural quality, derelict or non agricultural land; or
- other sustainability considerations suggest that the use of higher quality agricultural land is preferable to the use of poorer quality agricultural land.

This is supported by the National Planning Policy Framework, which states that:

“where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality”.

The agent has advised that the northern half of the site falls within category 3a which is deemed to be good quality agricultural land capable of producing moderate to high yields of a narrow range of arable crops such a cereals or moderate yields of a wide range of crops including grass. The southern half of the site appears not to have been classified.

Whilst land classified as Grade 3a falls within the category of best and most versatile agricultural land, the overall area classified as such is relatively small and cannot be described as “significant”.

Whilst the loss of Grade 3a agricultural land is regrettable, the benefits of the proposal outweigh the loss of such land to agriculture. In addition, the land itself is not actively farmed. It is used sporadically by a local farmer under license for the grazing of a small number of animals but is by no means intensively farmed. In practice, its loss would have little impact on agriculture in the locality.

Sustainability

The agent has carried out a Sustainability assessment, using the toolkit developed by the North West Regional Development Agency:

Category	Facility	Land off Biggs Way, Lower Heath
Open Space	Amenity Open Space (500m)	110m
	Children's Play Space (500m)	110m
	Outdoor Sports Facility (500m)	220m
Local Amenities	Convenience Store (500m)	350m
	Supermarket* (1000m)	1000m
	Post Box (500m)	350m
	Playground/Amenity Area (500m)	110m
	Post Office (1000m)	1250m
	Bank or Cash Machine (1000m)	1000m
	Pharmacy (1000m)	750m
	Primary School (1000m)	900m
	Secondary School* (1000m)	350m
	Medical Centre (1000m)	1200m
	Leisure Centre or Library (1000m)	1150m
	Local Meeting Place or Community Centre (1000m)	1100m
	Public House (1000m)	150m (currently closed) or 1400m
	Public Park or Village Green (1000m)	800m
	Child Care Facility (1000m)	1300m
Transport Facilities	Bus Stop (500m)	250m
	Railway Station (2000m)	2200m
	Public Right of Way (500m)	400m
	Any Transport Node (400m in urban area)	100m

Rating	Description
Green	Meets minimum standard
Orange	Fails to meet minimum standard (less than 60% failure for amenities with a specified maximum distance of 300,400 or 500m and 50% failure for amenities with a maximum specified distance of 1000 or 2000m)
Red	Significant failure to meet minimum standard (greater than 60% failure for amenities with a specified maximum distance of 300,400 or 500m and 50% failure for amenities with a maximum specified distance of 1000 or 2000m)

This table demonstrates that the sustainability of the site in terms of access to existing services is high. Minimum standards for distances to shops, services and public transport links are met for 73% of the criteria. Where there are shortfalls, the distance is marginal.

The site's sustainability has also been assessed in the Council's SHLAA, where it was found that *"due to size of site, and mix of uses, a sustainable development can be created."*

It is considered that the site is reasonably sustainable, and an appropriate site for housing.

Housing

The National Planning Policy Framework (NPPF) advises at paragraph 47 the requirement to maintain a 5 year rolling supply of housing and states that Local Planning Authorities should:

"identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land".

The NPPF states that Local Planning Authorities should have a clear understanding of housing needs in their area. This should take account of various factors including:

- housing need and demand,
- latest published household projections,
- evidence of the availability of suitable housing land,
- the Government's overall ambitions for affordability.

It is considered that the most up-to-date information about housing land supply in Cheshire East is contained within the Strategic Housing Land Availability Assessment 2012 (SHLAA) (February 2013). This document has been considered by the Strategic Planning Board on 8th February and the Portfolio Holder on 11th February 2013 and been approved to form part of the evidence base for the Cheshire East Local Plan and in the determination of planning applications. The SHLAA indicates that there is a 7.15 year housing land supply in Cheshire East.

It should also be noted that the application site falls within *Strategic Site Congleton 4* as identified in the SHLAA and that this site is expected to deliver 390 dwellings within the next 5 years. **As the application site contributes towards the provision of the Council's housing land supply, this is a material consideration.**

The site is allocated in the SHLAA as being "deliverable". The definition of '**deliverable**' is that a site is available now, offers a suitable location for housing development now and there is a reasonable prospect that housing will be delivered on the site within five years and in particular that the development of the site is viable.

The NPPF clearly states at paragraph 49 that:

"housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing

should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”

This must be read in conjunction with the presumption in favour of sustainable development as set out in paragraph 14 of the NPPF which for decision taking means:

“where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or*
- *specific policies in the Framework indicate development should be restricted.”*

Overall, and on balance, it is considered that the adverse impacts of the development – in terms of conflict with the development plan as a result of new housing within Open Countryside are outweighed by the benefits of the proposal in terms of sustainable residential development, provision including the 30% affordable housing. Given the scale and location of the development, its relationship to the urban area and its proximity to other services, it is not considered that these adverse impacts would *significantly and demonstrably* outweigh the benefits, and therefore an application may be considered favourably.

Need for additional affordable housing in the area

The Strategic Housing Manager advises that the site is located in the Congleton sub-area for the Strategic Housing Market Assessment 2010 (SHMA), which identified a need for 33 new affordable homes each year. In addition to the information taken from the SHMA 2010, there are 452 applicants on the Cheshire Homechoice register who require social or affordable rented housing in Congleton.

The Interim Planning Statement: Affordable Housing advises

“for Windfall sites in settlements with a population of 3,000 or more the Council will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified ‘windfall’ sites of 15 dwellings or more or than 0.4 hectare in size. It also advises that the exact level of provision will be determined by local need, site characteristics, general location, site suitability, economics of provision, proximity to local services and facilities, and other planning objectives. However, the general minimum proportion of affordable housing for any site will normally be 30%, in accordance with the recommendation of the 2010 Strategic Housing Market Assessment”.

Therefore there should be provision of 30% of the total dwellings as affordable, with 65% provided as social rent (affordable rent is also acceptable at this site) and 35% intermediate. This is the preferred tenure split identified in the SHMA 2010 and highlighted in the Interim Planning Statement on Affordable Housing (IPS). This equates to a requirement for 15 affordable dwellings on this site, with 10 provided as social or affordable rented dwellings and 5 provided as intermediate tenure.

The Affordable Housing Interim Planning Statement requires that the affordable homes should be provided no later than occupation of 50% of the open market units, unless the development is phased and there is a high degree of pepper-potting in which case the maximum proportion of open market homes that may be provided before the provision of all the affordable units may be increased to 80%.

All the Affordable homes should be constructed in accordance with the standards proposed to be adopted by the Homes and Communities Agency and should achieve at least Level 3 of the Code for Sustainable Homes (2007). The Affordable Homes should also be integrated with the open market homes and therefore 'pepper-potted' and be tenure blind and also not be segregated in discrete or peripheral areas.

The Design and Access Statement submitted with the application confirms that 30% affordable housing will be provided on this site. The Planning Statement goes on to confirm that the affordable homes will be delivered by a Registered Provider and the number, type and tenure will be stipulated by the Council.

Affordable Housing should be secured via a S106 agreement and provided through a Registered Provider, who are registered with the Homes and Communities Agency to provide social housing.

Scale, design, layout, density and impact on residential amenity

The detailed scale, design, appearance and layout of the dwellings are reserved for subsequent approval as part of a reserved matters application.

The key consideration with this outline application is whether 49 dwellings can be accommodated within the site, bearing in mind all of the constraints and requirements, such as the wildlife corridor, the cycle route, and the provision of Public Open Space.

The illustrative site layout plan indicates that the housing will be positioned centrally, surrounded by a strategic landscape buffer. A wildlife corridor is proposed along the eastern boundary, and a cycle route (between Jackson Road and Giantswood Lane, via Walfield Avenue) is proposed to run through the site. Areas of Public Open Space will be provided at the north and south of the site.

There is a mix of house types surrounding the site, from bungalows to three storey townhouses within the Galloway Green development. The majority of the dwellings on the illustrative layout plan are semi-detached houses, with a four detached houses and six terraced properties to the south of the site. As this application is outline, the dwelling types and positions may change. However, the layout plan indicates that 49 dwellings could be adequately accommodated, having regard to the site's constraints and the character of the area.

The southern part of the site is to be developed at a medium to high density 25-30 dwellings per hectare, whilst the northern part of the site is to be developed at a medium density of 20-25 dwellings per hectare, which is considered to be commensurate to the housing densities within the immediate locality of the site.

No information has been provided at this stage in respect of the dwellings scale, design or materials, as these are reserved matters. However, a condition is recommended in respect of building heights.

Given the scale and positioning of the landscape and wildlife corridor buffers, the proposed development is not anticipated to result in any loss of residential amenity. The Reserved matters proposals would need to meet the Space, Light and Privacy standards set out in the Local Plan.

Highway Safety

This application proposes the development of 49 residential dwellings served from an existing estate road link (Biggs Way), and then via the existing junction Galloway Green with the A536 Macclesfield Road at Congleton. The proposal is supported by a Transport Statement which assesses traffic generation from the site and considers the resulting impact on the local highway network.

To the front of the site, the A536 currently has a 30mph speed restriction and the junction is served by a ghost island right turn lane with hatching and splitter islands. Visibility meets required standards and to the south west of the junction there are bus facilities and a TOUCAN crossing. A "TOUCAN" crossing stands for 'Two can cross' and is like a Pelican crossing but allows pedestrians and cyclists to cross at the same time. It has red and green bicycle signals as well as red and green men.

This proposal is for a limited number of dwellings with a relatively low traffic generation. The volume of traffic from the site will be approximately 30 vehicle trips in the morning peak flow, which as a standalone figure, is not recognised as a material impact in the document: Guidance on Transport Assessments.

These trips will of course impact on the existing Galloway Green junction. However, this junction was originally designed to take this additional traffic (up to 90 dwellings). Therefore junction capacity is not a material issue in considering this application.

The Transport Assessment does not consider the cumulative impacts of traffic. Moreover, the local highway network is considerably congested.

Relief Road proposals

Cheshire East Council are currently planning the development of a relief road for Congleton which will link the A34 south of the town to the A34 just north of this site and it is necessary that some of the funding stream will come from development contributions.

The National Planning Policy Framework dictates that only 5 contributions can be accrued from developments towards major highway improvement schemes and, given the cost of a relief road, these contributions will need to come from major strategic developments.

This development proposal is not of strategic scale. Therefore the Strategic Highways Manager does not find it appropriate to require a funding contribution towards the relief road from this scheme.

However, there are optional schemes which will support the relief road scheme and one of those is the improvement of the A34 corridor through Congleton town area.

As a result of comments made by the Strategic Highways Manager, there have been negotiations with the developer's agent as the developer has identified the need for improvements to the cycle links from the town centre, via Eaton Bank across the A536 and then through this proposed development and across the A34 Manchester Road.

The developer is proposing to provide a TOUCAN crossing on the A34 as an extension to the cycle links from the town centre to the rural environment of Giantswood Lane. The intention is to improve the cycle links via the existing cycle network to the benefit of local sustainable links and the permeability of the local highway network.

The Strategic Highways Manager considers that this would be a viable contribution from this development and that this would provide for the requirements of the NPPF mentioned above. The commuted sum would align with the aspirations of the Strategic Highways Manager in terms of contribution from this scheme.

Landscaping and Trees

The application site is located on the northern boundary of Congleton and is currently agricultural grazing land that has a good network of hedgerows and a number of mature and distinctive hedgerow trees. The land slopes, with a low point of approximately 104m AOD in the north east corner, rising to 113m AOD in the south west corner, at the junction of the Manchester Road and the Congleton Road.

The application site consists of three fields with a network of mature hedgerows and mature hedgerow trees. To the west of the Manchester Road are residential dwellings. To the south is an open green area with an ambulance station. To the east is the more recent residential development of Galloway Green which forms a rectangular and visually dominant extension of the urban form into an otherwise agricultural area.

An illustrative masterplan has been submitted which shows broad areas of strategic landscape as well as broad areas identified for development of either medium or medium/high density.

There are no landscape designations on the application site, but the application site is currently undeveloped agricultural land which is shown as being Open Countryside in the adopted Congleton Borough Local Plan First Review. The Cheshire Landscape Character Assessment 2008 identifies that the application site is located within Landscape Character Type 16: Higher Farms and Woods. This is a medium to large scale landscape with a gently undulating character. There is widespread evidence of hedgerow loss and areas with a more open aspect bound by wire fences and more isolated elements. Woodland has an important local effect upon the surrounding landscape.

There are no footpaths crossing the site. However, the surrounding road network does have good pavement provision and so there are good views across the whole of the application site from Manchester Road to the west and the roundabout forming the junction between the Manchester Road and Congleton Road to the south.

The application is an outline application and the illustrative concept plan does show strategic landscaping along the boundaries of the application site and also indicates the retention of two internal hedgerows.

It is recommended that a site masterplan be submitted with the reserved matters application which:

- Respects existing landscape and townscape characteristics of the site (principally any mature trees and hedgerows);
- Conserves and enhances the vast majority of the existing mature trees and any notable hedgerows as an integral and structuring part of the Landscape Framework;
- Minimises any potential adverse landscape or visual effects through the application of best practice design principles and careful attention to design through all stages of the development process – particularly, attention to design and specification of landscape boundary treatments to the existing surrounding properties.

The Forestry Officer advises that the arboricultural detail is adequate. However, a constraints plan would be needed with the reserved matters application, which reflect the need to provide adequate space associated with the new dwellings for the future growth potential of the retained trees.

Ecology

The Council's Nature Conservation Officer advises:

- The proposal is unlikely to affect Great Crested Newts & Badgers
- Subject the trees being retained within a wildlife corridor, the proposal is unlikely to affect roosting bats
- Conditions are required to protect breeding birds between March and August annually, and to provide roosts
- Hedgerows and ditches to be retained

Leisure / Greenspaces

Public Open Space

As only a limited amount of Public Open Space is to be provided on site, a deficiency has been identified. In order to mitigate against this deficiency, a commuted sum is required, according to the Council's Supplementary Planning Guidance on Public Open Space Requirements for new residential development, the commuted sum is £13,906.50, which will be spent on enhancements and maintenance of facilities at Galloway Green and Lower Heath Community Space.

Children and Young Person's Provision

In addition, there is a policy requirement to provide facilities for children. As there are existing play facilities within close proximity of the site at Galloway Green and Lower Heath Community Space, rather than provide additional play equipment on site, it has been agreed that the developer contribute towards enhancement and maintenance of the existing facilities on the adjoining the sites. The commuted sum is of £10,805.26 for enhancements and £35,223 for maintenance.

This approach and the commuted sums have been agreed with the agent.

CONCLUSIONS AND REASONS FOR THE DECISION

This proposal is considered to be contrary to policies PS8 and H6, however, it should be considered in the context of the presumption in favour of sustainable development as set out in the NPPF. Whilst the site is in the Open Countryside, it is relatively well served by public transport and has potential for pedestrian and cycle routes to local services. The site has been identified for development in the Cheshire East Local Plan Development Strategy & the Strategic Housing Land Availability Assessment (SHLAA). As the site is “deliverable”, it contributes towards the Council’s 5-year housing land supply. This is a material consideration.

The Cheshire East Local Plan Development Strategy indicates that this site (in addition to neighbouring land) would serve as an extension to Congleton. The site falls within an area described as “Congleton 4” which could accommodate 550 homes within the Local Plan period. Furthermore, the site is identified within the Congleton Town Strategy as part of Area D.

In accordance with paragraph 14 & 49 of the NPPF:

“housing applications should be considered in the context of the presumption in favour of sustainable development”, unless “any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted”.

The site is considered to be in a sustainable location with access to local services, including shops, schools and good public transport links, and there are no adverse impacts which would significantly and demonstrably outweigh the benefits.

In summary, for the reasons outlined, it is considered that the principle of residential use on the site is considered acceptable, and although the proposal does not comply strictly with policy, there are sufficient material considerations weighing in favour of the development, to warrant a recommendation of approval being made, subject to conditions and a S106 agreement.

HEADS OF TERMS

- 30% Affordable Housing of which 65% social or affordable rent, and 35% intermediate tenure

- Commuted sum in lieu of sufficient on site Public Open Space of £13,906.50 & enhancements and maintenance of facilities at Galloway Green and Lower Heath Community Space of £10,805.26 for enhancements and £35,223 for maintenance
- Provision of Public Art to be incorporated into Public Open Space (No less than £10,000)
- Provision of or commuted sum for the improvement of cycle links and TOUCAN crossing on the A34
- Landscape and Habitat Management Plan

Community Infrastructure Levy (CIL) Regulations

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is now necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

The provision of 30% affordable housing is necessary, fair and reasonable to provide sufficient affordable housing in the area, and to comply with National Planning Policy.

The commuted sum in lieu of sufficient on site Public Open Space and play equipment is necessary, fair and reasonable, as the proposed development will provide 49 dwellings, the occupiers of which will use local facilities, and there is a necessity to upgrade/enhance existing facilities. The contribution is in accordance with the Council's Supplementary Planning Guidance.

The provision of public art is necessary, fair and reasonable, as this form of expression is considered to represent good design and provide cultural awareness and stimulation which helps to deliver a quality environment for the new residents.

Improved access to cycle lanes from the Town Centre through this site, will improve the cycle network, to the benefit of existing and new residents. It will make the site more sustainable, and will increase permeability on the of the local highway network. A TOUCAN crossing across the A34 will ensure residents can cross safely both on foot and by bicycle. These contributions are considered necessary, fair and reasonable, to integrate the development into the existing highway network.

The Landscape and Habitat Management Plan is necessary, fair and reasonable to secure appropriate ongoing management of the open space/landscape areas that are not within private gardens and to secure public access in perpetuity.

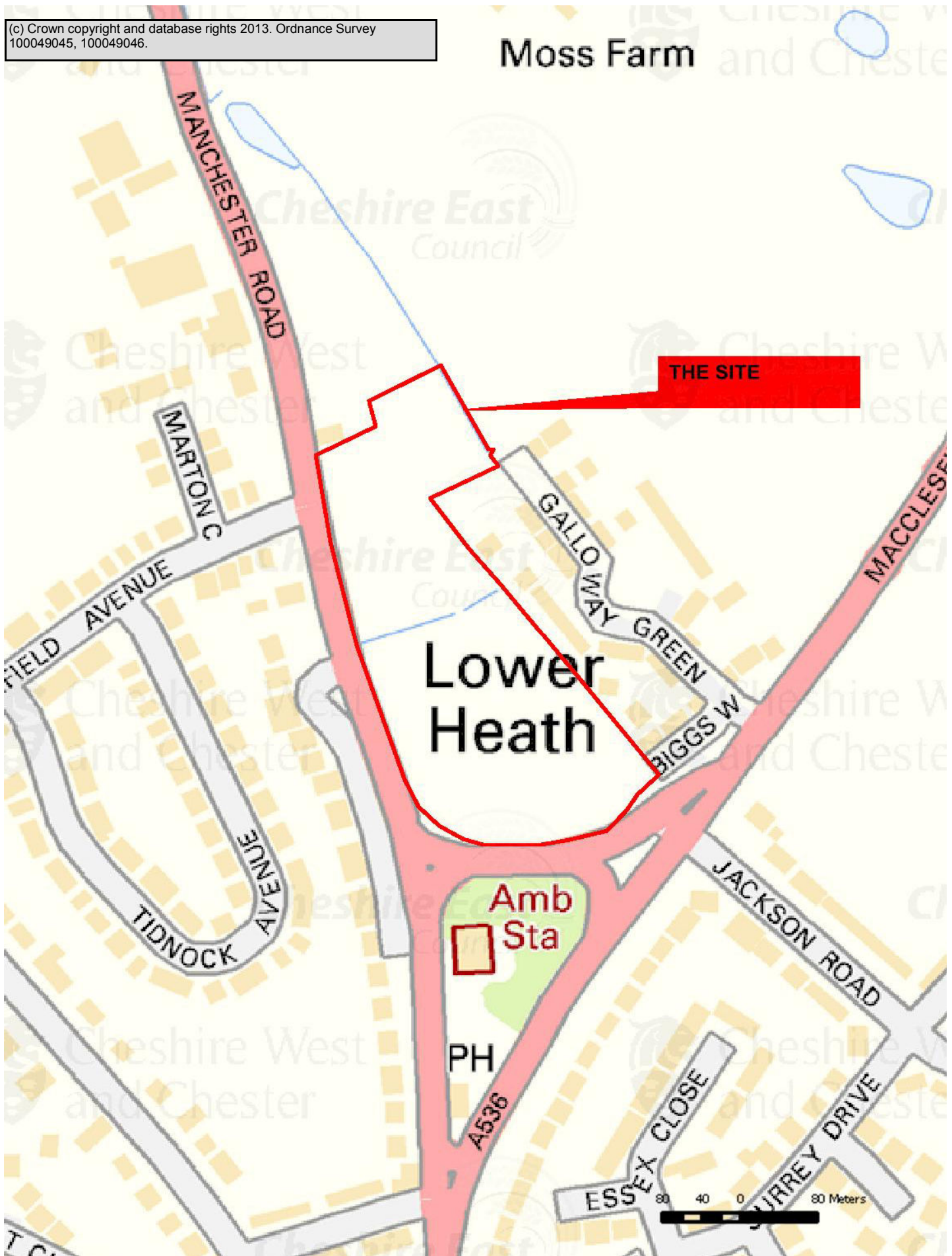
All elements are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of development.

RECOMMENDATION: Approve subject to a Section 106 Agreement and the following conditions

1. A01TR - Retention of trees, hedgerows & ditch
2. A02TR - Tree protection
3. A01LS - Landscaping - submission of full details
4. A02LS - Submission of landscaping scheme - including hard surfacing, street furniture
5. A04LS - Landscaping (implementation)
6. A19MC - Refuse storage facilities to be approved
7. Commencement of development
8. Time limit for submission of reserved matters (within 3 years)
9. Submission of reserved matters
10. Implementation of reserved matters (Plans/reports/surveys/statements)
11. Compliance with parameter plans - including limitation on building heights
12. The reserved matters application shall comprise no more than 49 dwellings
13. Submission of details in respect of wildlife corridor
14. Protection of nesting birds, and incorporation of features for breeding birds
15. Submission of further ecological survey with reserved matters application
16. Full Arboricultural Implication Study to be submitted with reserved matters application
17. Existing and proposed site levels, contours and cross-sections should be submitted with reserved matters application
18. Landscape Masterplan to be submitted with reserved matters application, to include POS & landscape buffer
19. Submission of a detailed Public Open Space landscape management and maintenance plan
20. Vehicular access to be taken off Biggs Way
21. Construction Method Statement
22. Submission of a construction management plan with reserved matters application
23. Design and construction plans to be submitted in respect of TOUCAN crossing
24. Installation of TOUCAN crossing prior to sale of 26th dwelling
25. If the TOUCAN crossing cannot be provided by the developer, a commuted sum of the equivalent cost shall be secured through a s106 agreement
26. Information on walking, cycling and public transport to be provided in each building
27. Hours of Construction
28. Details of any pile driving to be submitted with Reserved Matters application

- 29. Submission of lighting scheme with reserved matters application
- 30. Submission of a foul/surface water drainage scheme with Reserved Matters application
- 31. Provision of 5m wide buffer zone alongside watercourses
- 32. Submission of SUDS with reserved matters application
- 33. Submission of robust travel planning with reserved matters application
- 34. Submission of direct measures to reduce the effects of increased transport emissions
- 35. Submission of dust control scheme with reserved matters application
- 36. Submission of a site waste management plan with reserved matters application
- 37. Noise mitigation measures to be carried out in accordance with submitted scheme

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Application No: 13/0918C

Location: Land off MANCHESTER ROAD, CONGLETON CW12 2HU

Proposal: OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT
COMPRISING UP TO 45 DWELLINGS INCLUDING ACCESS

Applicant: WHITTAKER AND BIGGS

Expiry Date: 31-May-2013

SUMMARY RECOMMENDATION

Approve, subject to conditions and
the completion of a S106 agreement

MAIN ISSUES

- Development of land in Open Countryside
- Housing policy and supply
- Provision of affordable housing
- Scale, design, layout, density and impact on residential amenity
- Impact on highway safety & sustainability of the site
- Impact on landscape, trees and ecology
- Provision of Public Open Space / play facilities
- Heads of terms for a legal agreement

REASON FOR REPORT

The proposal is a major development as defined by The Town and Country Planning (Development Management Procedure) Order 2010. Under the Council's constitution, such applications are required to be considered by Committee.

The application seeks outline consent for up to 45 dwellings on land allocated as Open Countryside, and therefore is considered to be of strategic importance.

DESCRIPTION OF SITE AND CONTEXT

The site is located approximately 1 mile north of Congleton Town Centre. The site is bounded by the A34 (Manchester Road) to the west, open countryside to the north and east, and the residential development of Galloway Green, (by Seddons), on the former Cattle Market to the south.

The proposed development is located on a Greenfield site that lies outside the Settlement Zone Line for Congleton, within the Open Countryside as identified in the adopted Congleton Borough Local Plan First Review.

The site measures 1.76 hectares, and comprises two adjoining fields with a network of mature hedgerows and mature trees.

DETAILS OF PROPOSAL

Outline planning permission is sought for the development of the site for up to 45 dwellings. The illustrative layout plan shows a mix of detached, semi detached and 3 terraced properties. The land to the north of the site is to be developed at a low density of 15 -20 dwellings per hectare, the central section of the site, abutting the proposed development off Biggs Way (13/0922C) at a low to medium density of 20-25 dwellings per hectare, and the land to the east of the application site abutting the development of Galloway Green at a medium to high density of 25-30 dwellings per hectare.

No information has been provided in relation to the height of the dwellings.

The developer seeks agreement to the principle of development, with access off Manchester Road. Matters of appearance, landscaping, layout and scale are reserved for subsequent approval.

The site is currently accessed from Manchester Road via a field gate at the extreme northern end of the site. However, it is intended that the proposed development would be served from a new access off Manchester Road to be positioned between the existing field gate and the boundary with White Line Cottage.

RELEVANT PLANNING HISTORY

Current application 13/0922C - Land off Biggs Way
Elsewhere on this agenda

POLICIES

Congleton Borough Local Plan First Review policies

PS8 Open Countryside
GR1 New Development
GR2 Design
GR3 Residential Development
GR5 Landscaping
GR6 Amenity and Health
GR9 Accessibility, servicing and provision of parking
GR14 Cycling Measures
GR15 Pedestrian Measures
GR17 Car parking
GR18 Traffic Generation
GR21 Flood Prevention
GR 22 Open Space Provision
NR1 Trees and Woodland
NR2 Statutory Sites (Wildlife and Nature Conservation)

NR3 & NR5 Habitats
NR8 Agricultural Land
H2 Provision of New Housing Development
H6 Residential Development in the Open Countryside
H13 Affordable Housing and Low Cost Housing

Other Material Considerations

- National Planning Policy Framework (2012)
- Strategic Market Land Availability Assessment (SHLAA)
- Cheshire East Local Plan Development Strategy
- Congleton Town Strategy
- Affordable housing - Interim Planning Statement on Affordable Housing and SPD 'Affordable Housing and Mixed Communities'
- Open space – SPG1 'Public Open Space' and Interim Guidance Note
- Sustainable Development SPD

CONSULTATIONS

Environment Agency

The Environment Agency has no objection in principle to the proposed development, and provides the following comments:

We are promoting, with help of local authorities and councils, Sustainable Drainage Systems (SuDS). These include the incorporation of retention ponds, swales, porous pavement and green roofs to reduce the damage upon of our aquatic resources. These developments provide an ideal opportunity and the developer should assess the feasibility of incorporating SuDS within their scheme.

The discharge of surface water from the proposed development is to mimic that which discharges from the existing site. If a single rate of discharge is proposed, this is to be the mean annual run-off (Q_{bar}) from the existing undeveloped greenfield site. For discharges above the allowable rate, attenuation will be required for up to the 1% annual probability event, including allowances for climate change.

The discharge of surface water should, wherever practicable, be by Sustainable Drainage Systems (SuDS). SuDS, in the form of grassy swales, detention ponds, soakaways, permeable paving etc can help to remove the harmful contaminants found in surface water and can help to reduce the discharge rate. Therefore the following conditions are recommended:

- Scheme to manage surface water run-off
- Scheme to manage the risk of flooding from overland flow of surface water
- 5 metre wide buffer zone alongside the *watercourses*
- Further ecological survey & mitigation/compensation measures

Environmental Health

Environmental Health's initial objection (in respect of insufficient information) has been withdrawn, due to the submission of an Air Quality Addendum report.

No objection is raised, subject to two conditions in respect of mitigation measures to reduce emissions and control dust pollution during construction works.

Highways

The Strategic Highways Manager advises that the proposed traffic generation from this development will not have a material impact on the local highway network in pure traffic terms, however, to accord with the aspirations of the NPPF; any new proposals should extend the choice in transport and secure mobility in a way that supports sustainable development.

This would be easily achieved for this development through the provision of a capital sum towards the funding of improvements to accessibility along the A34 corridor, towards Congleton. Cheshire East Council currently has a proposal to reduce the speed limit on Manchester Road - A34, through an extension of the 30mph restriction leaving the gyratory in a northbound direction and then a new 40mph buffer zone between the 30mph and 60mph section which would be pushed out into the country. A commuted sum is required from this development for the speed limit adjustments and the accessibility works.

Public Rights of Way Team

Proposed developments may present an opportunity to improve walking and cycling facilities in the area for both travel and leisure purposes.

The proposed footway/cycleway and crossing facilities within the development proposal would be supported, and should be designed and constructed to best practice, with natural surveillance. Destination signage should be provided on site. The developer would be required to include the maintenance of these paths within arrangements for open space management.

School Organisation and Capital Strategy

The most up-to-date forecasts indicate that there is sufficient capacity at local schools to accommodate the pupils generated by the proposal; therefore no commuted sum is required.

Congleton Sustainability Group

Congleton Sustainability Group support the principle of development of this site as, while it falls outside the current Settlement Zone Line for Congleton, it complies with the Congleton Town Strategy, the Cheshire East Borough Council (CEBC) Draft Development Strategy and the emerging CEBC Local Plan all of which have identified the north and west of Congleton, including this site, for significant levels of development during the plan period.

They support development in the west and north of Congleton as this area is close to most of the employment sites in the town and as such should reduce the need for out commuting.

However, while currently there are limited employment opportunities in Congleton, which should be addressed by the Local Plan, residents of this development can also access employment at Crewe, Macclesfield and elsewhere in Cheshire East without having to pass through the congested town centre. Once the proposed Congleton Link Road has been constructed, access to other areas of Cheshire East can be gained with minimal use of the existing local roads.

They do however have a number of concerns relating to the details of this planning application most of which can and should be addressed through conditions attached to any approval. These concerns are summarised as follows:

- The development must conform to the masterplan for north and west Congleton and set the benchmark for sustainability for development in this area
- The applicant's sustainable travel proposals need to be enhanced and form conditions to any planning approval
- The development must contain firm proposals to reduce its carbon footprint

United Utilities

No objection, subject to the site being drained on a totally separate system, with only foul drainage connected into the public foul sewerage system. Surface water should discharge directly in to soakaway and or watercourse which may require the consent of the Local Authority.

VIEWS OF THE PARISH / TOWN COUNCIL

Congleton Town Council raises no objection to the proposal. They recommend that any S106 contributions be directed towards Congleton Public Realm Strategy.

OTHER REPRESENTATIONS

Representations have been received from 19 parties, the majority of which are from the Galloway Green development.

The key planning concerns raised are in respect of:

Access/Traffic

- The existing road system is inadequate, the proposed development will exacerbate problems
- Proposal would increase congestion
- Congleton is only accessible by car
- Proposal will bring traffic to an unacceptable level
- The Grove Inn pub is changing to a convenience store which will increase traffic further

Harm to Countryside/Landscape

- Loss of important trees
- Harm to landscape spoiling existing contours

- Visually obtrusive and damaging to the landscape
- Loss of open space
- Adverse effect on rural area
- We should be conserving green spaces, not developing them
- The development will change the character of the area

Loss of Agricultural Land

- Destroying high quality agricultural land
- Inappropriate development on farmland

Harm to Ecology

- Threat to wildlife, particularly birds and bats & owls

Brownfield redevelopment

- Brownfield sites with existing planning permission are not being developed
- Brownfield sites should be developed first
- The redevelopment of the Cattle Market by Seddons was development of Brownfield land. The current proposals are different as they are on undeveloped fields
- Eaton Bank Farm area should be developed first

Location of the site

- The development is out of town, and will have an adverse impact on the town's vitality/viability
- Congleton is accessible on foot via Rood Hill, which is steep, long hill – not an easy or pleasant walk

No need for additional housing

- Given the developments at Astbury Mere, Havannah Village and Brookfields, there is no economic need for additional housing in Congleton
- There are numerous houses for sale on Galloway Green
- The relocation of Astra Zeneca, will increase the number of homes available in the area

Infrastructure

- There is insufficient infrastructure in place to meet the additional demands, e.g. school places, health services, open spaces, play areas
- The Congleton Relief Road needs to be completed prior to any additional houses being built

Scale/Design/Layout

- Over development
- Excessive scale

- Conflicts with existing pattern of development

Residential Amenity

- Paths/cycle routes will result in overlooking/loss of privacy
- Lack of private space
- Overlooking existing properties
- Blocking natural light
- Generating noise disturbance
- Policy GR6 seeks to protect the amenities of existing residential developments by ensuring that any new development adjoining or near to existing residential property is neither visually or environmentally intrusive.

Community

- The proposals will harm community spirit

Community Consultation

- As the applicant is a Community Trust, the Town Council will not object to the proposal, as they will benefit from the development.

Noise

- The acoustic report indicated there is a presumption against granting planning permission due to the level of noise. The applicant is proposing unsightly mitigation measures to address this
- The report has discounted the noise from the emergency ambulance station, which is within 100m of the proposed development. This noise is typical, not incidental
- The development would detract from the “peace and quiet”

Air Quality

- The development will add emissions from additional cars which will adversely affect air quality
- The site is already seriously affected by regular standing traffic on the two adjacent A roads

Flooding

- Irrespective of the details outlined in the Flood Risk Assessment Report and Drainage Assessment, the proposed development site has a significant problem with flooding. For much of the year, there is a pond in the middle of the site.

Suggested Conditions

- Development should be limited to 45 dwellings
- Development should not have an overbearing effect/result in a loss of privacy
- No construction access through Galloway Green/construction yard to be sited away from existing houses/no employees / contractors parking on Galloway Green
- Phased development
- Noise barrier to be fabricated in brick
- Materials to match Galloway Green development

- Hours of operation restricted
- Play areas on site for older children
- Street furniture to be kept to a minimum
- Trees and hedgerows should be retained to support existing wildlife

Other issues

- Proposals should not be considered in isolation rather as a group of proposals
- Existing cycle paths are not used, the extension/additional cycle routes will not be used either
- A new cycle path will create a race track around the site
- The proposed access off Manchester Road should not prejudice the access to the Moss Farm site
- There needs to be a Masterplan for the whole site, with open space, play areas, roads, footpaths and landscaping interlinked
- Piecemeal developments will not provide appropriate infrastructural requirements

APPLICANT'S SUPPORTING INFORMATION

The following information has been submitted in support of the application: -

- Planning Statement
- Design and Access Statement
- Tree Survey
- Air Quality Report
- Flood Risk Assessment
- Drainage Assessment
- Noise assessment
- Statement of Community Involvement
- Ecological report
- Transport Statement
- Land contamination questionnaire
- Heads of Terms

Details of the above documents can be found on the application file.

OFFICER APPRAISAL

Main Issues

Given that the application is submitted in outline, the main issues in the consideration of this application are the suitability of the site, for residential development, having regard to matters of planning policy and housing land supply, affordable housing, highway safety and traffic generation, contaminated land, air quality, noise impact, landscape impact, hedge and tree matters, ecology, residential amenity, open space, play provision and sustainability.

Policy Position

The site lies within the Open Countryside as designated in the Congleton Borough Local Plan First Review, where policies H6 and PS8 state that only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted.

The National Planning Policy Framework (NPPF) indicates that account should be taken of the intrinsic character and beauty of the Countryside, with restrictions on new housing to where it would enhance or maintain the vitality of rural communities. Policies H6 and PS8 have been formally saved, and are consistent with policy contained within the Framework and, as such, and carry some weight.

The proposed development would not fall within any of the categories of exception to the restrictive policy relating to development within the Open Countryside. As a result, it would constitute a “departure” from the development plan, and there is a presumption against the proposal, under the provisions of sec.38(6) of the Planning and Compulsory Purchase Act 2004 which states that planning applications must be determined “*in accordance with the plan unless material considerations indicate otherwise*”.

The key issue is therefore, whether there are any other material considerations associated with this proposal, which are a sufficient material consideration to outweigh the policy objection.

Members should note that on 23rd March 2011 the Minister for Decentralisation, Greg Clark published a statement entitled ‘Planning for Growth’. On 15th June 2011 this was supplemented by a statement highlighting a ‘presumption in favour of sustainable development’ which has now been published in the National Planning Policy Framework (NPPF) in March 2012.

Collectively these statements and the National Planning Policy Framework mark a shift in emphasis of the planning system towards a more positive approach to development. As the minister says:

“The Government's top priority in reforming the planning system is to promote sustainable economic growth and jobs. Government's clear expectation is that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy”.

Development Strategy

Cheshire East Council is preparing its new Local Plan which will guide the future planning and development of the area. Between 15th January and 26th February 2013 the Council consulted on two documents the Development Strategy and Emerging Policy Principles.

The Development Strategy sets out the proposed overall number of new homes and employment land that will be needed; it suggests levels of development for the main towns and identifies proposed strategic development sites. The Policy Principles document sets out proposed policy principles to make sure that new development helps deliver objectives for

enterprise and growth, stronger communities, better connectivity and a sustainable environment.

The Development Strategy and Policy Principles documents are not the final version of the Local Plan but the results of the consultation will be instrumental in drafting the final submission draft of the Local Plan. The application site is part of the site identified as Congleton 4 in the Development Strategy.

Site Congleton 4

Manchester Road to Macclesfield Road

1. Provision of, or contribution to, the Congleton Link Road;
2. Provision of 550 new homes (at approximately 30 dwellings per hectare);
3. Including 'housing to meet local needs', in line with Policy SC4 in the Emerging Policy Principles document;
4. Small scale local retail development in the region of 200-300 sqm;
5. Provision of:
 - i. Community facility / place of worship;
 - ii. Public house / take away / restaurant;
 - iii. Sports and leisure facilities
6. Incorporation of green infrastructure;
7. Pedestrian and cycle links to new and existing residential areas, shops, schools and health facilities; and
8. On site provision, or where appropriate, relevant contributions towards transport and highways, education, health, open space and community facilities.

Congleton Town Strategy

Congleton Town Council fully supports the Government's objective for communities to help shape their own future through engaging in neighbourhood planning. Cheshire East Council was successful in bidding for Neighbourhood Planning Frontrunner funds to help develop an innovative new approach to embedding the spirit of Localism in the production of the Local Plan.

The Congleton Town Strategy looks at how the town might develop in the future. It indicates where new employment, housing and other uses may be located, along with how new infrastructure might be prioritised.

An Advisory Stakeholder Panel, drawn from the Town Council, community partnerships, local businesses and community groups worked hard to put together their ideas on how they want to see Congleton grow and develop over the next 20 years.

Consultation on the draft Congleton Town Strategy took place between 2nd March and 2nd April 2012. All comments received were considered and the document revised accordingly. This revised document was approved at a meeting of Congleton Town Council on 23rd August 2012. At a special meeting held on 4th September 2012, Congleton Town Council approved

an indicative route for the northern link road and this has been reflected in the Congleton Town Strategy.

The Congleton Town Strategy now forms part of the Cheshire East Local Plan evidence base and will inform the development of the new Local Plan. It may also be a material consideration in the determination of planning applications.

The application site is within Area D as identified within the Congleton Town Strategy. The Strategy suggests that Area D could accommodate 1,000 homes. The Strategy states that

'having reviewed consultation responses received, the majority of the stakeholder panel identified that priority should be given to those sites that contributed to the delivery of the northern link road, are closest to existing employment sites and provide access to the greater part of Cheshire East and the M6 without the need to cross the town. This includes sites to the north (sites A, B, C, D) and to the west (H and G) of the town'.

Economic Growth Implications

The Written Ministerial Statement: Planning for Growth (23 March 2011) goes on to say “when deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate housing, economic and other forms of sustainable development.” They should, inter alia, consider fully the importance of national planning policies aimed at:

- fostering economic growth and employment, given the need to ensure a return to robust growth after the recent recession;
- take into account the need to maintain a flexible and responsive supply of land for key sectors, including housing;
- consider the range of likely economic, environmental and social benefits of proposals;
- ensure that they do not impose unnecessary burdens on development.

It is clear that the proposed development will help to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits to the town including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain. These are considered to be important material considerations which weigh in favour of the development.

Loss of Agricultural Land

Policy NR8 of the Local Plan states that development on the best and most versatile agricultural land (grades 1, 2 and 3a in the ministry of agriculture fisheries and food classification) will not be permitted unless:

- the need for the development is supported in the local plan;
- it can be demonstrated that the development proposed cannot be accommodated on land of lower agricultural quality, derelict or non agricultural land; or

- other sustainability considerations suggest that the use of higher quality agricultural land is preferable to the use of poorer quality agricultural land.

This is supported by the National Planning Policy Framework, which states that:

“where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality”.

The agent has advised that the site falls within category 3a which is deemed to be good quality agricultural land capable of producing moderate to high yields of a narrow range of arable crops such as cereals or moderate yields of a wide range of crops including grass. Whilst land classified as Grade 3a falls within the category of best and most versatile agricultural land the overall area classified as such is relatively small and cannot be described as “significant”.

Whilst the loss of Grade 3a agricultural land is regrettable, the benefits of the proposal outweigh the loss of such land to agriculture. In addition, the land itself is not actively farmed. It is used sporadically by a local farmer under license for the grazing of a small number of animals but is by no means intensively farmed. In practice its loss would have little impact on agriculture in the locality.

Sustainability

The agent has carried out a Sustainability assessment, using the toolkit developed by the North West Regional Development Agency:

Category	Facility	Land off Manchester Road, Lower Heath
Open Space	Amenity Open Space (500m)	180m
	Children's Play Space (500m)	180m
	Outdoor Sports Facility(500m)	390m
Local Amenities	Convenience Store (500m)	350m
	Supermarket*(1000m)	1120m
	Post Box (500m)	500m
	Playground/Amenity Area (500m)	180m
	Post Office (1000m)	1440m
	Bank or Cash Machine (1000m)	1120m
	Pharmacy (1000m)	850m
	Primary School (1000m)	900m
	Secondary School* (1000m)	450m
	Medical Centre (1000m)	1400m
	Leisure Centre or Library (1000m)	1350m
	Local meeting Place or Community Centre (1000m)	1300m
	Public House (1000m)	150m (currently closed) or 1400m
	Public Park or Village Green (1000m)	1000m
	Child Care Facility (1000m)	1500m
Transport Facilities	Bus Stop (500m)	450m
	Railway Station (2000m)	2400m
	Public Right of Way (500m)	500m
	Any Transport Node (400m in urban area)	280m

Rating	Description
Green	Meets minimum standard
Orange	Fails to meet minimum standard (less than 60% failure for amenities with a specified maximum distance of 300,400 or 500m and 50% failure for amenities with a maximum specified distance of 1000 or 2000m)
Red	Significant failure to meet minimum standard (greater than 60% failure for amenities with a specified maximum distance of 300,400 or 500m and 50% failure for amenities with a maximum specified distance of 1000 or 2000m)

This table demonstrates that the sustainability of the site in terms of access to existing services is high. Minimum standards for distances to shops, services and public transport links are met for 64% of the criteria. Where there are shortfalls, the distance is marginal.

The site's sustainability has also been assessed in the Council's SHLAA, where it was found that *"due to size of site, and mix of uses, a sustainable development can be created."*

It is considered that the site is reasonably sustainable, and an appropriate site for housing.

Housing

The National Planning Policy Framework (NPPF) advises at paragraph 47 the requirement to maintain a 5 year rolling supply of housing and states that Local Planning Authorities should:

“identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land”.

The NPPF states that, Local Planning Authorities should have a clear understanding of housing needs in their area. This should take account of various factors including:

- housing need and demand,
- latest published household projections,
- evidence of the availability of suitable housing land,
- the Government’s overall ambitions for affordability.

It is considered that the most up-to-date information about housing land supply in Cheshire East is contained within the Strategic Housing Land Availability Assessment 2012 (SHLAA) (February 2013). This document has been considered by the Strategic Planning Board on 8th February and the Portfolio Holder on 11th February 2013 and been approved to form part of the evidence base for the Cheshire East Local Plan and in the determination of planning applications. The SHLAA indicates that there is a 7.15 year housing land supply in Cheshire East.

It should also be noted that the application site falls within *Strategic Site Congleton 4* as identified in the SHLAA and that this site is expected to deliver 390 dwellings within the next 5 years. **As the application site contributes towards the provision of the Council’s housing land supply, this is a material consideration.**

The site is allocated in the SHLAA as being “deliverable”. The definition of ‘**deliverable**’ is that a site is available now, offers a suitable location for housing development now and there is a reasonable prospect that housing will be delivered on the site within five years and in particular that the development of the site is viable.

The NPPF clearly states at paragraph 49 that:

“housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”

This must be read in conjunction with the presumption in favour of sustainable development as set out in paragraph 14 of the NPPF which for decision taking means:

“where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or*
- *specific policies in the Framework indicate development should be restricted.”*

Overall, and on balance, it is considered that the adverse impacts of the development – in terms of conflict with the development plan as a result of new housing within Open Countryside are outweighed by the benefits of the proposal in terms of sustainable residential development, provision including the 30% affordable housing. Given the scale and location of the development, its relationship to the urban area and its proximity to other services, it is not considered that these adverse impacts would *significantly and demonstrably* outweigh the benefits, and therefore an application may be considered favourably.

Need for additional affordable housing in the area

The Strategic Housing Manager advises that the site is located in the Congleton sub-area for the Strategic Housing Market Assessment 2010 (SHMA), which identified a need for 33 new affordable homes each year. In addition to the information taken from the SHMA 2010, there are 452 applicants on the Cheshire Homechoice register who require social or affordable rented housing in Congleton.

The Interim Planning Statement: Affordable Housing advises

“for Windfall sites in settlements with a population of 3,000 or more the Council will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified ‘windfall’ sites of 15 dwellings or more or than 0.4 hectare in size. It also advises that the exact level of provision will be determined by local need, site characteristics, general location, site suitability, economics of provision, proximity to local services and facilities, and other planning objectives. However, the general minimum proportion of affordable housing for any site will normally be 30%, in accordance with the recommendation of the 2010 Strategic Housing Market Assessment”.

Therefore, there should be provision of 30% of the total dwellings as affordable, with 65% provided as social rent (affordable rent is also acceptable at this site) and 35% intermediate. This is the preferred tenure split identified in the SHMA 2010 and highlighted in the Interim Planning Statement on Affordable Housing (IPS). This equates to a requirement for 14 affordable dwellings on this site, with 9 provided as social or affordable rented dwellings and 5 provided as intermediate tenure.

The Affordable Housing Interim Planning Statement requires that the affordable homes should be provided no later than occupation of 50% of the open market units, unless the development is phased and there is a high degree of pepper-potting in which case the maximum proportion of open market homes that may be provided before the provision of all the affordable units may be increased to 80%.

All the affordable homes should be constructed in accordance with the standards proposed to be adopted by the Homes and Communities Agency and should achieve at least Level 3 of the Code for Sustainable Homes (2007). The Affordable Homes should also be integrated with the open market homes and therefore 'pepper-potted' and be tenure blind and also not be segregated in discrete or peripheral areas.

The Planning Statement confirms that 30% affordable housing will be provided on this site, which will be delivered by a Registered Provider and the number, type and tenure will be stipulated by the Council.

Affordable Housing should be secured via a S106 agreement and provided through a Registered Provider, who is registered with the Homes and Communities Agency to provide social housing.

Scale, design, layout, density and impact on residential amenity

The detailed scale, design, appearance and layout of the dwellings are reserved for subsequent approval as part of a reserved matters application.

The key consideration with this Outline application, is whether 45 dwellings can be accommodated within the site, bearing in mind all of the constraints and requirements, such as the cycle paths, the provision of Public Open Space and landscaping.

The illustrative site layout plan indicates that the housing will spread across the site, with a landscape buffer to the south and west between the site and Manchester Road. Areas of Public Open Space will be provided at the north and south of the site, adjacent to the land off Biggs Way proposals.

There is a mix of house types surrounding the site, from bungalows to three storey townhouses within the Galloway Green development. The majority of the dwellings on the illustrative layout plan are semi-detached houses, with a nine detached houses with nine terraced properties to the south of the site, adjacent to the Galloway Green development. As this is an outline application, the dwelling types and positions may change. However, the layout plan indicates that 45 dwellings could be accommodated, having regard to the site's constraints, and the character of the area.

The southern part of the site is to be developed at a medium to high density 25-30 dwellings per hectare, whilst the northern part of the site is to be developed at a low density of 15-20 dwellings per hectare, which is considered to be commensurate to the housing densities within the immediate locality of the site.

No information has been provided at this stage in respect of the dwellings scale, design or materials, as these are reserved matters. However, a condition is recommended in respect of building heights.

Given the scale and positioning of the landscaping, the proposed development is not anticipated to result in any loss of residential amenity. The Reserved matters proposals would need to meet the Space, Light and Privacy standards set out in the Local Plan.

Highway Safety

This application proposes the development of 45 residential dwellings, served by a simple priority access, with ghost island right turn lane and refuge, off the A34 Manchester Road at Congleton. The proposal is supported by a Transport Statement which assesses traffic generation from the site and considers the resulting impact on the local highway network.

To the front of the site, the A34 currently has a 60mph speed restriction and this will need to be reduced to 30mph past the proposed site access.

Cheshire East Council currently has a proposal to reduce the speed limit on this road through an extension of the 30mph restriction, leaving the gyratory in a northbound direction and then a new 40mph buffer zone between the 30 and the existing 60mph section which would be pushed out into the country.

If this development gains a planning permission the proposed changes to the proposed speed limits would be necessarily altered by the proposal and therefore it is reasonable that the development should provide funding for the speed limit adjustments.

The Strategic Highways Manager will recommend a capital sum for the funding of the local speed limit changes to be gathered under a S106 agreement.

Transport Assessment

This proposal is for 45 dwellings with a relatively low traffic generation. The volume of traffic from the site will be approximately 30 vehicle trips in the morning peak flow which as a standalone figure is not recognised as a material impact in the document: *Guidance on Transport Assessments*.

However, this document does not consider the cumulative impacts of traffic and the local highway network is considerably congested.

Relief Road proposals.

Cheshire East Council are currently planning the development of a relief road for Congleton which will link the A34 south of the town to the A34 just north of this site and it is necessary that some of the funding stream will come from development contributions.

The National Planning Policy Framework dictates that only 5 contributions can be accrued from developments towards major highway improvement schemes and, given the cost of a relief road, these contributions would need to come from major strategic developments.

This development proposal is not of strategic scale. Therefore, the Strategic Highways Manager does not find it appropriate to require a funding contribution towards the relief road from it.

However, there are optional schemes which will support the relief road scheme and one of those is the improvement of the A34 corridor through the Congleton town area.

This would be easily achieved for this development through the provision of a capital sum towards the funding of improvements to accessibility along the A34 corridor towards Congleton.

The Strategic Highways Manager has considered the funding need from this and has completed negotiations with the developer's agent. They have agreed that a total sum of £75,000 would be a reasonable contribution to provide towards the speed limit adjustments and the accessibility works which will be planned for the A34 corridor.

Landscaping and Trees

The site is located on the northern boundary of Congleton and is currently agricultural grazing land that has a good network of hedgerows and a number of mature and distinctive hedgerow trees. The site has a very rural and attractive character. The land slopes, with the highest point being adjacent to Manchester Road, sloping down to the stream along the Eastern boundary.

The application site consists of two fields with a network of mature hedgerows and mature hedgerow trees. To the west of the Manchester Road are residential dwellings and small business premises, to the south is White Line Cottage and south of this and to the north and east is a wider area of attractive agricultural land. Further to the south is the recent residential development of Galloway Green.

An illustrative concept plan has been submitted which shows broad areas of strategic landscape as well as broad areas identified for development of medium density.

There are no landscape designations on the application site but the application site is currently undeveloped agricultural land which is shown as being Open Countryside in the adopted Congleton Borough Local Plan First Review. The Cheshire Landscape Character Assessment 2008 identifies that the application site is located within Landscape Character Type 16: Higher Farms and Woods. This is a medium scale to large scale landscape with a gently undulating character. There is widespread evidence of hedgerow loss and so areas with a more open aspect bound by wire fences and more isolated elements. Woodland has an important local effect upon the surrounding landscape.

There are no footpaths crossing the site. However, Manchester Road does have good pavement provision and so there are good views across the whole of the application site from Manchester Road.

The application is an outline application and the illustrative concept plan shows only the retention of the existing hedgerow along the central part of the site and a number of trees, although the key does indicate that the existing green infrastructure will be supplemented with new planting. The plan also shows that the existing green infrastructure along the southern boundary will also be a public open space. The level of detail shown on the Illustrative Concept Plan is minimal and so it is not possible to offer any assessment of how this may enhance the visual amenity of the site once it has been developed.

It is recommended that a site masterplan be submitted with the reserved matters application which:

- Respects existing landscape and townscape characteristics of the site (principally any mature trees and hedgerows);
- Conserves and enhances the vast majority of the existing mature trees and any notable hedgerows as an integral and structuring part of the Landscape Framework;
- Minimises any potential adverse landscape or visual effects through the application of best practice design principles and careful attention to design through all stages of the development process – particularly, attention to design and specification of landscape boundary treatments to the existing surrounding properties.

The Forestry Officer advises that the arboricultural detail is adequate. However, a constraints plan would be needed with the Reserved matters application, which reflect the need to provide adequate space associated with the new dwellings for the future growth potential of the retained trees.

Ecology

The Council's Nature Conservation Officer advises:

- The proposal is unlikely to affect Great Crested Newts & Badgers
- Subject the trees being retained, the proposal is unlikely to affect roosting bats
- Conditions are required to protect breeding birds between March and August annually, and to provide roosts
- Hedgerows and ditches to be retained

Leisure / Greenspaces

Public Open Space

As only a limited amount of Public Open Space is to be provided on site, a deficiency has been identified. In order to mitigate against this deficiency, a commuted sum is required, according to the Council's Supplementary Planning Guidance on Public Open Space Requirements for new residential development, the commuted sum is £12,771, which will be spent on enhancements and maintenance of facilities at Galloway Green and Lower Heath Community Space.

Children and Young Person's Provision

In addition, there is a policy requirement to provide facilities for children. As there are existing play facilities within close proximity of the site at Galloway Green and Lower Heath Community Space, rather than provide additional play equipment on site, it has been agreed that the developer contribute towards enhancement and maintenance of the existing facilities on the adjoining sites. The commuted sum is £9889.56 for enhancements and £32,238 for maintenance

This approach and the commuted sums have been agreed with the agent.

CONCLUSIONS AND REASONS FOR THE DECISION

This proposal is considered to be contrary to policies PS8 and H6, however, it should be considered in the context of the presumption in favour of sustainable development as set out

in the NPPF. Whilst the site is in the Open Countryside, it is relatively well served by public transport and has potential for pedestrian and cycle routes to local services. The site has also been identified for development in the Cheshire East Local Plan Development Strategy and is identified as contributing towards the 5-year housing land supply in the most up to date SHLAA.

The Cheshire East Local Plan Development Strategy indicates that this site (in addition to neighbouring land) would serve as an extension to Congleton. The site falls within an area described as “Congleton 4”, one of the Strategic Sites, which could accommodate 550 homes within the Local Plan period. Furthermore, the site is identified within the Congleton Town Strategy as part of Area D.

In accordance with paragraph 14 & 49 of the NPPF:

“housing applications should be considered in the context of the presumption in favour of sustainable development”, unless “any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted”.

The site is considered to be in a sustainable location with access to local services, including shops, schools and good public transport links, and there are no adverse impacts which would significantly and demonstrably outweigh the benefits.

In summary, for the reasons outlined, it is considered that the principle of residential use on the site is considered acceptable, and although the proposal does not comply strictly with policy, there are sufficient material considerations weighing in favour of the development, to warrant a recommendation of approval being made, subject to conditions and a S106 agreement.

HEADS OF TERMS

- 30% Affordable Housing of which 65% social or affordable rent, and 35% intermediate tenure
- Commuted sum in lieu of sufficient on site Public Open Space of £12,771 & enhancements and maintenance of facilities at Galloway Green and Lower Heath Community Space of £9889.56 for enhancements and £32,238 for maintenance
- Provision of Public Art to be incorporated into Public Open Space (No less than £10,000)
- Commuted sum of £55,000 towards sustainable modal choice provision for the A34
- Commuted sum of £20,000 for alterations to speed limits on the A34 corridor speed limit adjustments and accessibility works on the A34 corridor
- Landscape and Habitat Management Plan

Community Infrastructure Levy (CIL) Regulations

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is now necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

The provision of 30% affordable housing is necessary, fair and reasonable to provide sufficient affordable housing in the area, and to comply with National Planning Policy.

The commuted sum in lieu of sufficient on site Public Open Space and Children's and Young Person's Provision is necessary, fair and reasonable, as the proposed development will provide 45 dwellings, the occupiers of which will use local facilities, and there is a necessity to upgrade/enhance existing facilities. The contribution is in accordance with the Council's Supplementary Planning Guidance.

The provision of public art is necessary, fair and reasonable, as this form of expression is considered to represent good design and provide cultural awareness and stimulation which helps to deliver a quality environment for the new residents.

A commuted sum towards encouraging sustainable modes of transport and alterations to the speed limit and accessibility works on the A34 corridor are considered necessary, fair and reasonable, to integrate the development into a safe highway network.

The Landscape and Habitat Management Plan is necessary, fair and reasonable to secure appropriate ongoing management of the open space/landscape areas that are not within private gardens and to secure public access in perpetuity.

All elements are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of development.

Application for Outline Planning

RECOMMENDATION: Approve subject to a Section 106 Agreement and the following conditions

1. A01TR - Retention of trees, hedgerows & ditch
2. A02TR - Tree protection
3. A01LS - Landscaping - submission of full details
4. A02LS - Submission of landscaping scheme - including hard surfacing, street furniture
5. A04LS - Landscaping (implementation)
6. A19MC - Refuse storage facilities to be approved
7. Commencement of development
8. Time limit for submission of reserved matters (within 3 years)
9. Submission of reserved matters

10. Implementation of reserved matters (Plans/reports/surveys/statements)
11. Compliance with parameter plans - including limitation on building heights
12. The reserved matters application shall comprise no more than 45 dwellings
13. Submission of further ecological survey with Reserved Matters application
14. Protection of nesting birds, and incorporation of features for breeding birds
15. Submission of a detailed Arboricultural Implications Survey with Reserved Matters application
16. Existing and proposed site levels, contours and cross-sections should be submitted with reserved matters application
17. Landscape Masterplan to be submitted with reserved matters application, to include POS & landscape buffer
18. Submission of a detailed Public Open Space landscape management and maintenance plan
19. Vehicular access to be taken off Manchester Road
20. Prior to the commencement of development, detailed plans shall be submitted in respect of the access onto the A34
21. Construction of access onto A34 prior to first occupation of the development
22. Construction Method Statement
23. Submission of a construction management plan with reserved matters application
24. Information on walking, cycling and public transport to be provided in each building
25. Hours of Construction
26. Submission of lighting scheme with reserved matters application
27. Submission of a foul/surface water drainage scheme with Reserved Matters application
28. Provision of 5m wide buffer zone alongside watercourses
29. Submission of SUDS with reserved matters application
30. Submission of robust travel planning with reserved matters application
31. Submission of direct measures to reduce the effects of increased transport emissions
32. Submission of dust control scheme with reserved matters application
33. Submission of an acoustic assessment with the Reserved Matters application, to assess the noise impact adjacent to Manchester Road
34. Submission of a site waste management plan with reserved matters application
35. Details of any pile driving to be submitted with Reserved Matters application
36. Noise mitigation measures to be carried out in accordance with submitted scheme

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Application No: 13/1806M

Location: COTTONS HOTEL, MANCHESTER ROAD, KNUTSFORD, CHESHIRE, WA16 0ED

Proposal: Extension to time limit for application 09/1485M- Three storey extension to provide a net addition of 27no. bedrooms and associated additional on site parking (resubmission of 08/2233P)

Applicant: Shire Hotels Limited

Expiry Date: 25-Jul-2013

Date Report Prepared: 3 July 2013

SUMMARY RECOMMENDATION

Approve subject to conditions

MAIN ISSUES

- Whether there have been any material changes in policy or circumstances since the previous application

REASON FOR REPORT

The application is a major application that is a significant departure from the Local Plan. As such under the terms of the Council's constitution the proposal needs to be determined by the Strategic Planning Committee.

DESCRIPTION OF SITE AND CONTEXT

The application site comprises a two / three-storey hotel and spa facility that has been substantially extended over the past 40 years with external car parking for 188 cars. By way of background the following provides an indication of the timing and scale of previous permissions for bedroom extensions:

1961 – 6 bedrooms
1982 – 53 bedrooms
1986 – 27 bedrooms
1994 – 17 bedrooms
2000 – 8 bedrooms

This has resulted in 109 existing bedrooms

The site is located within the Green Belt as identified in the Macclesfield Borough Local Plan.

DETAILS OF PROPOSAL

This application seeks to extend the time limit on application 09/1485M granted permission in 2010 for the erection of a three-storey bedroom block extension to the side (providing an additional 27 bedrooms) and a first floor rear meeting room extension; plus the provision of additional car parking in the area of the site currently occupied by two tennis courts. Internal alterations to improve the hotel reception, function room and meeting / conference areas were also proposed.

RELEVANT HISTORY

There is an extensive planning history on the site which predominantly relate to significant extensions to the original building. The most relevant to the current proposal is:

09/1485M - THREE STOREY EXTENSION TO PROVIDE A NET ADDITION OF 27 NO. BEDROOMS AND ASSOCIATED ADDITIONAL ON-SITE PARKING (RE-SUBMISSION OF 08/2233P) – Approved 21.05.2010

POLICIES

Local Plan Policy

NE11 (Nature Conservation)
BE1 (Design Guidance)
GC1 (Green Belt – New Buildings)
RT13 (Tourism)
DC1 (Design – New Build)
DC2 (Extensions and Alterations)
DC3 (Amenity)
DC6 (Circulation and Access)
DC8 (Landscaping)
DC9 (Tree Protection)

Other Material Considerations

National Planning Policy Framework (the Framework)
Good Practice Guide on Planning for Tourism

CONSULTATIONS (External to Planning)

Strategic Highways Manager – No objections subject to the same highways conditions and requirements as 09/1485M.

Environmental Health – No objections subject to advice note regarding contaminated land.

Visitor Economy Manager - The applicant is looking to develop the accommodation in line with the stated objectives of Cheshire East's Visitor Economy Strategy. The accommodation is of a high standard and this extension will add to its attractiveness to visitors and business users. There is also potential for local traders in Knutsford to benefit from the development.

Finally it is a stated aim of turning day visitors into overnight visitors; this will increase the value of the visitor economy of Cheshire East.

VIEWS OF THE PARISH / TOWN COUNCIL

Knutsford Town Council – Comments not received at time of report preparation. No objections were raised with regard to the original permission.

OTHER REPRESENTATIONS

None received

OFFICER APPRAISAL

Principle of development

For an extension to time limit application such as this, the Government's advice for Local Planning Authorities is to take a positive and constructive approach towards applications that improve the prospects of sustainable development being brought forward quickly. The development proposed will, by definition, have been judged acceptable in principle at an earlier date. It is the Government's advice that Local Planning Authorities should only look at issues that may have changed significantly since that planning permission was previously considered to be acceptable in principle.

The development was previously approved in 2010 and was extant at the time the application was submitted to the Local Planning Authority.

The proposal is inappropriate development in the Green Belt, which reduces openness. However, very special circumstances were previously considered to exist to outweigh the identified harm to the Green Belt. The very special circumstances can be summarised as:

- Identified requirement for additional hotel accommodation in Knutsford.
- Value and potential of Knutsford area to the visitor economy with its many attractions, major events and business tourism.
- Lack of alternative sites to provide such facilities.
- Located near other commercial properties.
- National planning policies advise LPAs to adopt a positive approach towards extensions to existing tourism accommodation where the scale of the extension is appropriate to its location and where the extension may help to ensure the future viability of such businesses.
- Secures the long-term viability of the business that supports the local economy.

In addition, the previous scheme was considered to have an acceptable impact on the character and appearance of the surrounding area, neighbouring amenity, nature conservation interests and highway safety.

No changes have occurred to Local Plan policy since the application was previously approved. Changes have occurred to regional planning policy. However, this is not considered to have any implications for this application. Similarly, the Framework has been introduced, which outlines the Government's commitment to secure economic growth. The

proposed development is consistent with this objective. It should also be noted that the Good Practice Guide on Planning for Tourism remains extant. As such there has been no change to national policies relating to tourism.

The previous permission was also subject to a s106 planning agreement requiring:

- Submission, operation and monitoring of a site travel plan

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is now necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

The provision of a travel plan is necessary, fair and reasonable to help to provide a sustainable form of development and is directly related to the development proposed.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The previously approved application was considered to comply with relevant local, national and regional planning policy. Whilst the Framework has been introduced since the previous approval, no changes have occurred to relevant planning policies that would result in a different decision now being made. The previous 106 agreement will need a straightforward amendment to link the obligation to the new permission. Therefore, the application is recommended for approval subject to consultation with the Secretary of State (due to the scale of the proposal in the Green Belt), the conditions listed below and a s106 planning agreement which secures the following heads of terms.

Heads of Terms

- Submission, operation and monitoring of a site travel plan

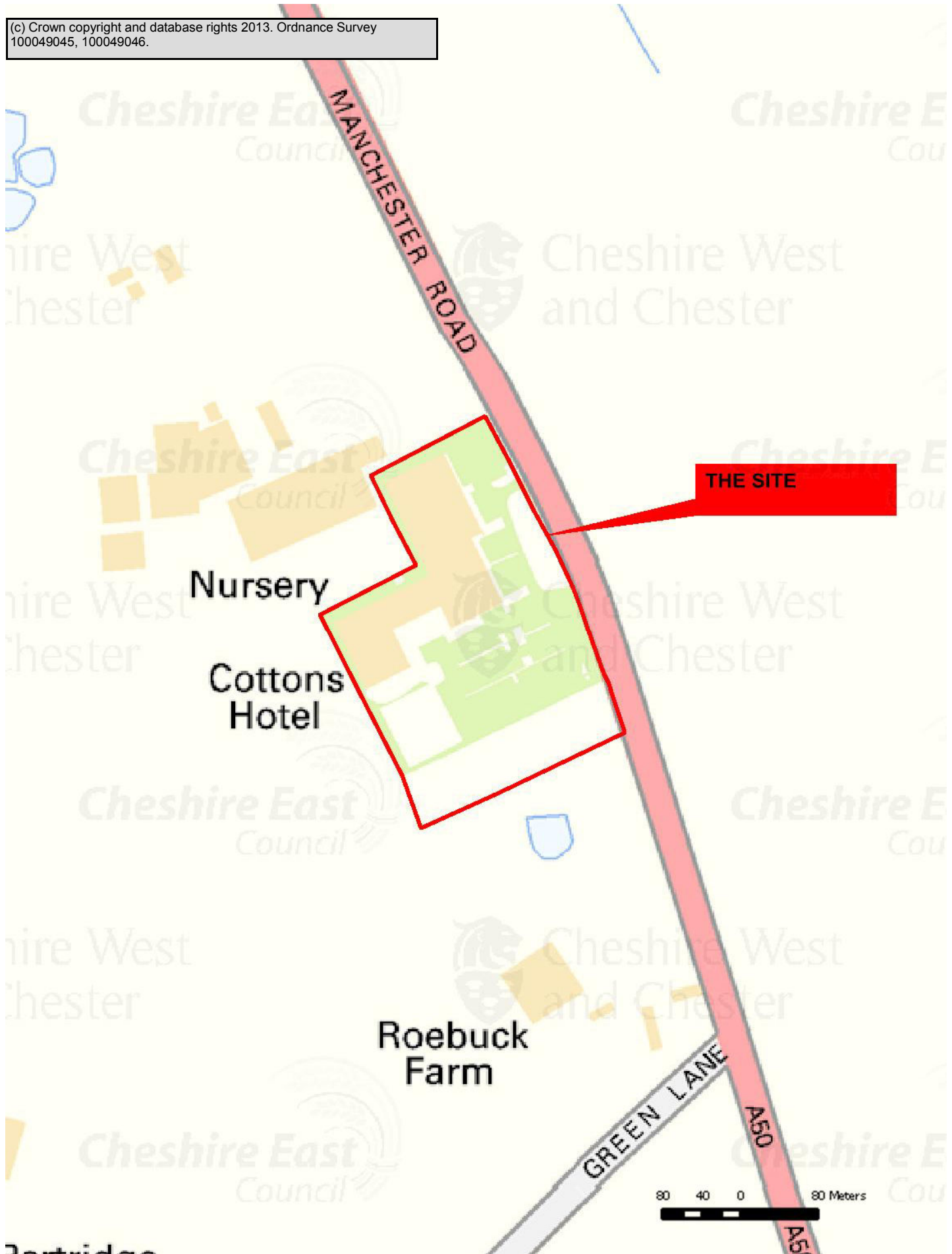
Application for Extension to Time Limit

RECOMMENDATION: Approve subject to a Section 106 Agreement and the following conditions

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A06EX - Materials as application
4. A01HP - Provision of car parking prior to occupation
5. A04HP - Provision of cycle parking prior to occupation

6. A07HP - Details of drainage and surfacing of hardstanding areas to be submitted
7. A01LS - Landscaping - submission of details
8. A04LS - Landscaping (implementation)
9. Surface water drainage system - details to be submitted
10. Provision for roosting bats and breeding birds
11. Development to be carried out in accordance with arboricultural statement

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Application No: 12/4866W

Location: DANES MOSS LANDFILL SITE, CONGLETON ROAD, GAWSWORTH, MACCLESFIELD, CHESHIRE, SK11 9QP

Proposal: To develop and operate a temporary waste transfer station; retention of the existing access road, car parking and weighbridge/weighbridge office; realignment of the internal haul road; hardstandings; earthworks; surface water management system; landscaping and other ancillary development for a period up until December 2027

Applicant: Mr Matthew Hayes

Expiry Date: 12-Feb-2013

SUMMARY RECOMMENDATION

Approve subject to conditions

MAIN ISSUES

- Green Belt
- Alternative Sites – Compliance with Policy 5 of CRWLP
- Impact on Water Quality
- Highways
- Noise
- Air Quality
- Windblown Litter
- Landscape, visual and aboricultural impacts
- Ecology

REASON FOR REPORT

The application has been referred to Strategic Planning Board as the proposal involves a major waste application.

DESCRIPTION OF SITE AND CONTEXT

The application site is a parcel of land of approximately 1.27ha located within the north western boundary of Danes Moss Landfill site. The site is situated approximately 2km south west of the centre of Macclesfield. It lies between the A536 on the west, and the railway between Stockport and Newcastle-under-Lyme to the east. To the north, a belt of undeveloped land and playing field lie between Danes Moss Landfill site and the edge of the Macclesfield urban area. To the south of the site is a mixture of agricultural land and open land/peat bog. Access to the site is off the A536 Congleton Road.

In the immediate vicinity of the landfill site, the landscape rises to the west and falls to the Bollin Valley in the east. On a larger scale, the area lies between the lower land of the Cheshire Plain to the west, and gently undulating higher ground of the western edge of the Pennines

The application site is situated on land currently used as hardstanding, vegetation planting/scrubland, and the existing access road serving the landfill site. Various built infrastructure associated with the landfill surrounds the site including the Household Waste Recycling Centre to the west, the nissen hut and waste to energy compound to the north, and leachate treatment lagoons to the south. On the northern boundary of the landfill is the proposed site of the leachate treatment plant, for which construction has not yet commenced.

Much of the Danes Moss landfill has now been completed and the area substantially restored. The northern slopes have been fully restored with native woodland planting. An area of acid grassland to the south east has also been restored. At present the current operation landfill cells are located in the final southern third of the site and the southernmost landfill cells have now been filled to levels, completed and restored.

The nearest dwellings are located on the western side of Congleton Road, to the north west of the application site, whilst a housing estate is located approximately 400m to the north east.

The application site lies 40m within the northern boundary of the Green Belt in the Macclesfield Borough Local Plan (MBLP). The application site is not allocated within the Cheshire Replacement Waste Local Plan (CRWLP) as a Preferred Site. As a result, it is considered to be a significant Departure from the Development Plan.

A small section of the application site (comprising a section of the access road) crosses part of the 'proposed road', a greenway and designated open space in MBLP. To the south of the landfill is the Danes Moss Site of Special Scientific Interest (SSSI), designated for its valuable peat bog habitat. The remainder of the Moss area is designated as a Grade A Site of Biological Importance.

RELEVANT HISTORY

The landfill has a long history of peat extraction and waste disposal since the early 20th Century. The current landfill permission expired on 31 December 2013 (09/0761W). Strategic Planning Board resolved to grant planning permission (12/3240W) in January 2013 for a further time extension to 31 December 2014 with restoration completed by 31 December 2015. This is subject to a deed of variation to the existing S106 legal agreement to secure the long term management of the site and adjacent SSSI. The planning permission has not yet been issued, pending completion of the legal agreement.

The landfill site has also had a range of other ancillary waste infrastructure consents. These include:

- 5/65397, 5/73660, and 5/96/1830P – leachate treatment facility
- 5/36254 and 5/38676 – Household Waste Recycling Centre (HWRC) and skip facilities;
- 5/82298 – Compost facility (no composting now occurs on site);

- 5/72375, 5/79115, 5/02/2190P, 5/07/0389P, 5/08/0638P waste to energy plant; and
- 12/1280W – Leachate Treatment Plant.

Most notably, planning permission was previously granted for a waste transfer station (WTS) in 2008 (ref: 5/08/0639P) for a temporary period until 2014, in order to provide a replacement for the landfill which was scheduled to close in 2012. The consent was subject to a s106 legal agreement to ensure that the WTS did not operate until landfilling ceased. However, as the landfill had a further time extension granted, the WTS was not required and the consent has since lapsed.

DETAILS OF PROPOSAL

This is an application on behalf of FCC Environmental for a Waste Transfer Station (WTS) at the Danes Moss Landfill site for a temporary period until 2027. The application is in effect a re-submission of the previously consented scheme (5/08/0639P), with the only significant difference being an extended timescale until 2027, and a lower overall throughput of waste.

It is proposed that the WTS would replace the Danes Moss Landfill following its closure in December 2014 (subject to the grant of consent (12/3240W)) and would bulk up locally derived municipal solid waste (MSW) and limited quantities of pre-sorted commercial and industrial wastes (C&I) for onward transportation to a suitable treatment facility.

The applicant has indicated future intentions of transporting bulked up waste from this facility to a new materials recycling facility on the Maw Green Landfill site and/or disposed of to landfill. This would be subject to a separate planning application and is not being considered as part of this scheme. If this option becomes unviable, waste would be transported to other sorting/disposal facilities.

The application proposes the following elements:

- Waste Transfer Station (WTS);
- Retention of existing main landfill access road, and weighbridge/weighbridge office;
- Realigned internal access road to the facility;
- Hardstandings;
- Earthworks;
- Lighting;
- Surface water management system;
- Landscaping and other ancillary works.

Waste Transfer Station

The WTS building comprises a steel portal framed building of 42 metres x 31 metres with a height of 12 metres, which provides an overall floor area of 1302m². The proposed building will be clad in holy green to match existing buildings on the site, with Aztec Yellow ventilation grilles.

Internally, the building comprises of a general waste reception area; a recyclables clamp to segregate pre-sorted C&I waste (i.e. paper and wood) for export; and an area of 2100 m² for the storage of waste with 4.5m push walls. A low loading bay is proposed for transferring general waste to HGVs by a wheeled loading shovel. Three 5.5m high roller shutter doors

are proposed, two on the eastern and one on the northern elevation, along with three personnel doors.

Pre-sorted residual Municipal Solid Waste (MSW) and Commercial and Industrial (C&I) waste derived from householders, Household Waste Recycling Centre's (HWRC's) and local trade would be delivered to the site and, after being weighed, would be deposited inside the building. Waste is then stored in the refuse storage area until sufficient quantities are available for loading (by loading shovel) into large bulk haulage articulated HGVS (20 tonne capacity) for onwards transportation to an appropriate facility. As the facility only proposes to bulk up waste, no mechanical or manual sorting/processing of waste would be undertaken. The only exception to this is on rare occasions where there may be a need to remove unsuitable items from the general waste stream that have been disposed of incorrectly (e.g. pieces of furniture). These would be picked out manually, or, with the aid of a front loader disposed of separately to an appropriate facility.

The maximum annual throughput proposed for the facility is 60,000 tonnes per annum (tpa). This comprises of 50,000tpa of residual MSW from households and HWRC's collected within the catchment of Macclesfield, Congleton, Wilmslow and Poynton; with the remaining 10,000tpa being C&I waste from private companies in the area. The maximum annual throughput proposed for this facility is less than was previously approved under consent 5/08/0639P which anticipated a throughput of 70,000tps. The facility has been designed to enable waste to be stored for up to five days although the applicant envisages that under normal circumstances all waste would be bulked up and removed by the end of each working day.

The scheme is likely to generate an average of 100 vehicle movements per day (49 in and 49 out); comprising 37 vehicles importing waste (maximum 7.5 tonne capacity) and 12 HGVS used for export (20 tonne capacity). One empty bulk haulage vehicle would be parked overnight on the internal access road outside the building.

The WTS would use the existing access off the A536 currently serving the landfill. Internally, a new side road and vehicle turning circle would connect to the existing haul road, creating a circulatory route for HGVS. To accommodate this, a section of the existing haul road would be removed and the area reinstated. The existing weighbridge and site office currently serving the landfill site will be retained to serve the WTS.

To reflect the specific needs of the HWRC's, and to protect residential amenity, negotiations with the applicant has resulted in revised operating hours as follows:

- 0800 – 1800 Monday to Friday; 0800 – 1700 Saturday, Sundays and Public/Bank holidays. However:
- On Saturdays after 1300 hours, and on Sundays, Public/Bank Holidays only waste from HWRC's would be accepted.
- Construction hours would be limited to 0800 -1800 Monday to Friday, 0900 – 1400 Saturdays with no works on Sundays and Public/Bank holidays.
- Any piling activities would be restricted to 0900 – 1730 Monday to Friday and 0900 – 1300 Saturdays only.

Lighting, in the form of high pressure sodium flat glass lanterns, would serve the development which would be in use during operational hours. The development also proposes earthworks, landscape planting for the duration of the development and upgraded surface water management system.

Upon cessation of the waste transfer station, all land would be fully restored in accordance with a landscaping scheme designed to complement the wider landfill restoration. The exception is the leachate management infrastructure, landfill gas infrastructure and access/haul roads which will be retained to enable environmental monitoring required under the Environmental Permit for the landfill.

POLICIES

The Development Plan comprises the Cheshire Replacement Waste Local Plan 2007 (CRWLP) and The Borough of Macclesfield Adopted Local Plan 2004 (MBLP).

The relevant development policies are;

Cheshire Replacement Waste Local Plan (CRWLP)

- Policy 1: Sustainable Waste Management
- Policy 2: The Need for Waste Management Facilities
- Policy 5: Other Sites for Waste Management Facilities
- Policy 12: Impact of Development Proposals
- Policy 14: Landscape
- Policy 15: Green Belt
- Policy 17: Natural Environment
- Policy 18: Water Resource Protection and Flood Risk
- Policy 22: Aircraft Safety
- Policy 23: Noise
- Policy 24: Air Pollution; Air Emissions Including Dust
- Policy 25: Litter
- Policy 26: Odour
- Policy 27: Sustainable Transportation of waste
- Policy 28: Highways
- Policy 29: Hours of Operation
- Policy 32: Reclamation
- Policy 36: Design

Macclesfield Borough Council Local Plan (2004)

- NE11: Nature Conservation
- NE12: SSSI's, SBI's and Nature Reserves
- GC2: Green Belt – 'Other operations and Change of Use'
- GC3: Visual Amenity of Green Belt
- DC3: Amenity
- DC8: Design and Amenity – Landscaping
- DC13: Noise

Other Material Considerations

The revised EU Waste Framework Directive 2008 (rWFD)
Government Review of Waste Policy in England 2011 (WPR)

Government Waste Strategy 2007 (WS2007)
Cheshire Consolidated Joint Waste Management Strategy 2007 to 2020
Cheshire East and Cheshire West and Chester Councils Waste Needs Assessment Report
(‘Needs Assessment’)

National Planning Policy and Guidance

National Planning Policy Framework (2012)
PPS 10: Planning for Sustainable Waste Management

CONSULTATIONS (External to Planning)

The Strategic Highways and Transport Manager

With regard to the likely traffic generated by the WTS, the applicant has stated that this facility will replace the current landfill operation and have looked at a net change between the existing movements and the new WTS. The closure of the landfill site and the replacement WTS would result in an overall net decrease in trips to and from the site. This assumes that the landfill facility will close in 2014.

It is predicted that the HGV movements associated with the WTS per day is 49 in and 49 out, some 100 movements per day. Landfill restoration traffic is estimated at 100 HGV per day (200 two way); this is considered to be the worse case. In addition, a very small amount of traffic will be associated with the Leachate Treatment Plant up to 10 HGV movements per day. The current planning permission for the landfill has a condition that limits the HGV’s entering and leaving the site in a working day to 400 vehicles (200 in and 200 out), and this application would not exceed this limit in terms of HGV movements.

The site access junction has been assessed for capacity using a Picady model and the results indicate it would operate within capacity up to 2017 with the current proposals in place. The junction with the A536 is of a good standard and provides more than adequate visibility.

Although there may be a net reduction in traffic as a result of this development it is requested that a condition is imposed limiting vehicle movements to a maximum of 400 vehicles per day to the site.

The Council’s Environmental Protection Officer:

The planning application would introduce new potential impacts from noise, dust, odour and lighting.

Construction Impacts

Some activities such as earth movement and piling can cause high noise levels. Given the distance involved and the likely timescale these impacts can be minimised by the use of good practices. However, the hours of construction should be conditioned so as to minimise these impacts. We would also expect details on piling activities to be provided prior to any such works commencing. Good practice and the distance to the nearest properties should be sufficient to minimise dust impacts from construction activities.

Operational Impacts

Noise impacts

A noise report has been produced to assess the potential impacts from noise. It considers the impacts of heavy vehicles leaving and entering the site, the depositing, sorting and removal of waste. The initial assessment provided an assessment of predicted noise impacts compared against monitored data. Further monitoring at the most sensitive of times, i.e. on Sunday mornings shows background noise levels to be lower at this time of the week. The impacts are most likely to be greatest on Sundays when background noise levels would be lowest and sensitivity to such impacts may be considered as highest. Saturday afternoon, Sundays and Public Holidays are not in the normal hours of use for such facilities.

The noise assessment and its conclusions are based upon recommended mitigation measures being implemented and maintained. Given this and the proposed hours of operation, it is therefore highly important that such measures are conditioned should such planning permission be granted. This would ensure that the predicted reductions are implemented so as to protect residential amenity and that noise mitigation is optimised at the most sensitive of times in line with guidance given in the Waste Local Plan. The applicant has also stated that a limit on the number of waste vehicles accessing the site before 1000 hours on Sundays could be conditioned. In addition, noise levels from the site should be set and noise monitoring carried out by the operator to ensure that the stated noise estimates are not exceeded.

Lighting

The plans indicate that lighting will be required as part of this proposed development. The detailed design of such lighting, requirement to avoid any light glare or spillage outside of the site boundary and use during operational hours only should be conditioned.

Odours

The initial assessment gave little detail on the impact and control of odours. Whilst this is something that would be controlled and regulated through the waste permit, it would be remiss of us not to consider the proposed design of the facility and the likelihood of odour impact on amenity given the potential for fugitive odour emissions. The applicant has since provided a statement on this which demonstrates that the control of odours has been considered in the design of the facility and that good practice and odour control procedures will form part of the Environmental Permit. Despite this and the location of the waste transfer building in relation to sensitive receptors, we do have concerns about the potential of fugitive emissions and impact from odours need to be managed. We would expect that the Environmental Permit would require detailed assessment of these issues and controls to ensure that there are no odour issues.

Dust

The depositing and moving of waste has the potential to generate dust emissions. To control of dust can be significantly controlled by the use of good practices. As such we would

recommend that suitable controls will be a condition of any planning permission to ensure that residential amenity is protected.

It is therefore recommended that planning permission is granted for this proposal subject to the following conditions being applied.

Demolition and construction phase of development

House of operation

Whilst other legislation exists to restrict the noise impact from construction / demolition activities, this is not adequate to control all construction noise, which may have a detrimental impact on residential amenity in the area. Therefore it is considered appropriate to control this impact at the planning application stage, and the following condition should be applied;

All noise generative* demolition / construction works (and associated deliveries to the site) authorised by this permission shall be restricted to the following time periods:

Monday – Friday 08:00 to 18:00 hrs

Saturday 09:00 to 14:00 hrs

There shall be no noise generative* demolition/construction works on Sundays and Public/Bank Holidays.

**For information "Noise Generative" is defined as any works of a construction / demolition nature (including ancillary works such as deliveries) which are likely to generate noise beyond the boundary of the site.*

Reason: In the interests of residential amenity

Pile Foundations

All Piling operations authorised by this permission shall be undertaken using best practicable means to reduce the impact of noise and vibration on neighbouring sensitive properties. All piling operations shall be restricted to the following time periods:

Monday – Friday 09:00 – 17:30 hrs

Saturday 09:00 – 13:00 hrs

There shall be no piling operations undertaken on Sundays and Public/Bank Holidays.

Reason: In the interests of residential amenity

Lighting

Prior to its installation details of the location, height, design, and luminance of any proposed lighting shall be submitted to and approved in writing by the Local Planning Authority. The details shall ensure the lighting is designed to minimise the potential loss of amenity caused by light spillage onto adjoining properties. The lighting shall thereafter be installed and operated in accordance with the approved details.

Reason: To minimise the nuisance and disturbances to neighbours (and the surrounding area)

No lighting shall be permitted to be used outside of the normal hours of operation

Reason: To minimise the nuisance and disturbances to neighbours (and the surrounding area)

Hours of operation

Due to the potential for noise disturbance to local residents, the development should be subject to the following hours of operation restrictions;

Waste operations authorised by this permission including waste reception, storage, bulking and transfer , and the movement of Heavy Good Vehicles to and from the site shall be restricted to the following time periods:-

- a. For all waste operations aside from those specifically for the receipt of waste from Household Waste Recycling Centres;

0800 – 1800 hours Monday – Friday

0800 – 1300 hours Saturday

No waste operations on Sundays or Public/Bank Holidays

- b. For those waste operations including reception, storage, sorting and transfer of waste, and the movement of Heavy Good Vehicles arising directly from Household Waste Recycling Centres;

0800 – 1800 hours Monday – Friday

0800 – 1700 hours Saturday, Sunday and Bank/public holidays

There shall be no waste operations on Christmas Day and New Years Day

Reason: For the avoidance of doubt and in the interest of amenity and in order to minimise the environmental impacts of the development.

Between the hours of 0800 and 1000 hours on Sundays the number of Heavy Goods Vehicles entering and leaving the site shall be restricted to 6 movements (3 in and 3 out).

Noise and vibration

Noise mitigation scheme

Prior to any development taking place a noise mitigation scheme shall be submitted to and approved by the Local Planning Authority. These shall include for the provision of details in respect of:

- i) Acoustic design for the reception building;
- ii) properties of roller shutters including speed and acoustic attenuation;

- iii) the maintenance of all on-site mobile plant and fitting of silencers and white-noise reverse alarms;
- iv) use of mobile plant to avoid unnecessary banging and scraping of loading buckets;
- v) compliance with noise limits specified in the relevant planning condition.

The scheme shall then be implemented in full during the lifetime of the development.

Reason: In the interests of residential amenity

Noise levels

Except in the case of emergency or with the written prior consent of the Waste Planning Authority, the operational free field noise rating level, from all plant associated with the operations from the waste transfer station shall not exceed the following LAeq1 hour levels :

Location	Time	LAeq 1 hour
Northgate	Sunday 0800-1000 hours	43 dB
35 Surrey Road	Sunday 0800-1000 hours	45 dB
Northgate	All other times	48 dB
35 Surrey Road	All other times	50 dB

Reason: For the protection of residential amenity.

No development shall take place until a scheme, for predicting and monitoring noise levels arising from the site, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for:

- i) Predicted noise levels at sensitive receptors and comparison with proposed noise limits;
- ii) Frequency and location of monitoring
- iii) Details of equipment proposed to be used for monitoring.
- iv) Monitoring during typical working hours with the main items of plant and machinery in operation;
- v) Comparison against noise limits
- vi) Monitoring results to be forwarded to the Waste Planning Authority within 14 days of measurement"

The scheme shall be implemented in full for the lifetime of the development.

Reason: For the protection of residential amenity.

Odour control

Prior to occupation of the development hereby permitted, an Odour Mitigation Scheme shall be submitted to and approved in writing by the Waste Planning Authority. The scheme shall then be implemented in full during the lifetime of the development.

Reason: For the protection of residential amenity.

Dust control

Prior to commencement of waste operations hereby approved, a scheme shall be submitted for the written approval of the waste planning authority detailing the best practicable measures to be employed for the control and suppression of dust during the period of operation of the development. The measures approved in the scheme shall be implemented for the duration of the development.

Reason: To minimise dust risk and to protect residential amenity.

Nature Conservation Officer:

Designated sites

The proposed development is located over 500m from Danes Moss Site of Special Scientific Interest (SSSI) and Danes Moss Local Wildlife Site is located within 200m of the site boundary. There does not appear to be any direct impacts resulting from the proposed developments on these two designated sites. It is noted that a new ditch is proposed as part of the proposed development to presumably handle surface water from the site, however Natural England have confirmed that they do not anticipate any impacts on the SSSI.

General Habitat Value of the proposed development site

The habitats present on site have some nature conservation value in the local context. The habitats are however highly artificial, disturbed and are of recent origin. The proposed development will not lead to a significant loss of biodiversity. Planning condition is recommended requiring the submission of proposals for the erection of protective fencing to safeguard the retained areas of habitat during the construction phase.

Proposed Restoration

The submitted restoration plan indicates the restoration of the site to rough grassland and native species plantation woodland. The broad principal of the proposed restoration are acceptable however detailed landscape/habitat restoration plan should be submitted. In accordance with the recommendations of the submitted ecological assessment it is also recommended that the restoration proposals include details of a new wildlife pond. Ponds are a local and national priority habitat and so the creation of this additional habitat on site would deliver a significant gain for nature conservation in accordance with the NPPF.

Breeding Birds and bat boxes

Planning conditions are recommended to safeguard breeding birds and ensure additional provision is made for nesting birds and roosting bat boxes.

Badgers

Badgers are active near to this site. There is a possibility that a new sett could become active on site between the grant of permission and the commencement of development. As such a planning condition is recommended to require provision of a badger survey prior to the commencement of development, with the results of the survey and any mitigation required to be submitted for approval prior to commencement of works.

Common toad

Common toad, a UK BAP species and hence a material consideration, has been recorded on site in considerable numbers. However, considering the scale of the proposed development the adverse impact on this species is unlikely to be significant other than at the very local scale. The provision of a pond as part of the restoration proposals for the site would however be of significant benefit for this species.

Overall no objections raised subject to conditions and a final restoration scheme.

The Council's Landscape Officer:

The proposed development will be no different to that previously consented (5/08/0639), other than a change in the duration of the development. The previous application was for a three to five year period subsequent to the landfill closure. This application would be for a period of twelve years after the closure of the landfill.

In view of the fact that this is no different to the previously consented application, no objections are raised on landscape or visual grounds.

The Council's Forestry Officer

The proposed development footprint and associated revised circulatory route requires the removal of a number of trees mainly Alder which form a small copse located east of the existing civic amenity waste disposal centre.

The group as a whole are not clearly visible from Congleton Road, but form part of the landscape within the internal aspect of the Danes Moss Landfill Site. The quality and amenity value of the trees relates to their collective presence rather than each individual specimen which have established in an etiolated form as a result of the absence of maintenance in the form of thinning. The copse cannot be considered an important or significant component of the landscape with the specified removal at best only having a moderate impact on the amenity of the area. The loss of the trees as part of landscape enrichment should be adequately compensated for as part of a specimen landscape scheme. Once approved compensatory planting should be seen as a net gain compared to those trees scheduled for removal as part of this application.

The retained tree aspect associated with the rest of the site is located a significant distance from the proposed working area. Tree protection will not be required as a condition.

The Environment Agency:

The Environment Agency issued an Environmental permit on 27 August 2008 to 3C Waste Ltd to operate a transfer station at Danes Moss following planning permission being granted for this activity, your reference 5/08/0639P. Therefore we have no objections to the proposed temporary waste transfer station.

Natural England:

This application is in close proximity to Danes Moss Site of Special Scientific Interest (SSSI). However, given the nature and scale of this proposal, Natural England is satisfied that there is not likely to be an adverse effect on this site as a result of the proposed development being carried out in strict accordance with the details of the application as submitted.

We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(l) of the *Wildlife and Countryside Act 1981* (as amended), requiring your authority to re-consult Natural England.

Conditions

We would expect the developer to follow best practice guidance during the construction work to ensure appropriate measures are in place to mitigate any potential impacts on the natural environment. An effective Construction Environmental Management Plan (CEMP) will help provide reassurance that construction activities will be well managed.

Planning conditions are required in respect of:

- Submission and approval of a detailed Construction Environmental Management Plan, before any work commences;
- Submission and approval of a detailed scheme for the management of foul and surface water drainage on the site;
- The implementation of mitigation proposals as detailed in Section 5 of the Ecological Survey and Assessment report; and the following sections in the Planning statement: section 3.9 - lighting; 10.8 - dust

These conditions are required to ensure that the development, as submitted, will not impact upon the features of special interest for which Danes Moss SSSI is notified.

European Protected species

It is noted that a survey for European Protected Species has been undertaken in support of this proposal. Natural England does not object to the proposed development. On the basis of the information available to us, our advice is that the proposed development would be unlikely to affect a European Protected Species.

Health and Safety Executive:

The development does not appear to be within the Consultation Distance (CD) of any major hazard site or any major accident hazard pipeline, thus there is no requirement to consult HSE on this application.

The Minerals and Waste Policy Unit:

No specific comments or observations to make.

Waste and Recycling Department:

Under the provisions of the Environmental Protection Act 1990, the Council has a statutory duty to provide household waste collection and disposal services within Cheshire East.

Currently, household residual waste that is collected from Cheshire East households is taken directly to the disposal points which are Danes Moss landfill in Macclesfield and Maw Green landfill in Crewe. Other materials collected at the kerbside are taken either to a bulking station for onward transport to a processing facility or taken direct to the processing facility.

Our current landfill facility in the North of the borough (Danes Moss) is nearing full capacity. Once full, this facility will no longer be available as a Landfill site. Therefore, the proposal to establish a waste transfer facility on the same site is a welcome one and will give greater resilience, not only to the future needs of the Council but also to other organisations within the area that require the use of waste disposal facilities.

The Council is currently reviewing its waste collection and disposal service. The success of running an efficient waste collection service and the Council's fulfilling its statutory duties as a waste collection and disposal authority depends on immediate and available access to waste transfer facilities for its current route structures. However, in the north of the Borough, the current facility is expected to reach its capacity from April 2014 onwards. At present, the only local waste transfer facility licensed to handle residual waste within this area is the one sited at Henshaws Envirocare Ltd, Moss Lane, Macclesfield. This facility's licensed operating period does not align with the needs of the service. This results in the waste becoming mobile and requires the Council to procure the best value treatment and disposal solution for the residents of Cheshire East, regardless of its location.

The proposed waste transfer facility on the Danes Moss landfill site will increase waste transfer provision in the local area and offer greater resilience to the waste service. This proposed facility in the North of the borough is ideally located on the site of the current landfill disposal facilities and is close to the centre of the waste collection operation within the North.

If approved, the facility will be a welcome addition to the current facilities available on the Danes Moss site.

If unsuccessful, and the ability to tip locally within the North is no longer available, this will result in the Council's having to consider alternative means of disposal. This will be challenging and will impact upon the current service standards and the wider environment with refuse freighters having to travel greater distances during disposal activities.

In summary, the proposed waste transfer station at Danes moss is considered to be essential in providing future service resilience and is strategically significant for the council to meet its statutory responsibility from April 2014.

United Utilities:

Do not object subject to the foul and surface waters flows generated from the new development not communicating with the public system via direct or indirect means.

VIEWS OF THE PARISH / TOWN COUNCIL

Sutton Parish Council:

Sutton Parish Council, make the following observations, in the capacity of an adjoining Parish to the Danes Moss Landfill Development Site, on the basis that such development should only be permitted if there is a proven business need that such a facility will provide and meet the Waste Management needs of the Northern sector of Cheshire East, along with existing

available facilities, thereby eliminating the need for further such facilities in the short to medium term.

Having closely examined the detail of the comprehensive planning application Sutton Parish Council consider that the development of a Waste Transfer Station Facility on this existing Waste Management Site is in the best interests of the Northern sector of Cheshire East Council, as a whole, having regard to the following existing favourable features:

- a) The development, according to the application detail, is some 200 m. away from the nearest residential properties.
- b) All possible sources of pollution (Noise, Light, Odour, Dust), according to the application detail, can be adequately and effectively controlled well within the above 200 m. distance.
- c) Protection for wildlife and trees has been addressed within the application in addition to the screening of the proposed building to restrict the visual impact upon residential properties and users of Public Rights of Way, Highway and the Playing Fields.
- d) There is already in existence a well established entrance to the site off Congleton Road which provides mainly decongested access from most locations within the Northern sector of Cheshire East and is suitable to facilitate safe access and egress by the apparent reduced HGV usage.
- e) The site has already been subject to planning approval for a Waste Transfer Station to 2014 under planning application 08/0639P and the present application basically replicates this approved application for a further temporary period to 2027.
- f) The existing land fill site, in accordance with the planning conditions, has a requirement to be monitored and maintained for a period of 18 years from the date such land fill activity ceases. The provision of a Waste Transfer Station on the site is likely to be beneficial to ensuring that such condition is adequately monitored and maintained.

OTHER REPRESENTATIONS

To date, 4 letters objecting to the proposal and 10 letters of support have been received.

A summary of the comments received objecting to the proposal are as follows:

- Highway and traffic issues – specifically the increase in traffic, dangers to pedestrians seeking to cross the A536, and noise / vibrations caused by HGV vehicles
- The impact upon residential amenity including noise from operations,
- Question the need of the WTS as an existing one is located as Henshaws on Moss Lane.
- Site is scheduled to close in 2015 – this would extend the operational life of the site

Comments were also received regarding the loss of leisure land as the assumption is made that when the site is restored that it would be given to local residents to use. The site is in private ownership, and as such there would be no loss of recreational space / leisure land irrespective of the outcome of the application.

A summary of the comments received supporting the application are as follows:

- Established waste site – supported in the Regional Spatial Strategy
- The development would have limited visual and landscape impacts
- The principle has been previously accepted
- Good access and transport links of the A536
- Would provide greater sustainable waste management within Cheshire East

Comments were also received from the Macclesfield Civic Society who provided the following observations;

“The Macclesfield Civic Society have considered the application documents and note the planning and waste management background to the proposal. The scheme represents an interim solution to waste management up to 2027, which would allow for longer term arrangements to be secured across Cheshire East as a whole.

The decision on the proposal appears to hinge upon local environmental/amenity impacts and traffic matters. From the information submitted these issues do not appear to weigh against the proposal.

No doubt a decision will be reached after due consideration of these potential impacts.

Provision for restoration after decommissioning of the site is incorporated into the proposal”.

OFFICER APPRAISAL

Principle of Development

The site has a long established use for waste activities, most notably as a landfill, and more recently household waste recycling. The principle of developing a temporary WTS of the same scale, design and location as proposed in this application has previously been established by virtue of consent 5/08/0639P.

Green Belt

The management of waste in the Green Belt is inappropriate unless it maintains the openness of the Green Belt and does not conflict with the purposes of including land in the Green Belt (CRWLP Policy 15). However the locational needs of some types of waste facilities, and the wider environmental and economic benefits of sustainable waste management are material considerations that should be significant weight (PPS10). It is necessary to consider whether any such material considerations amount to the very special circumstances necessary to overcome the policy presumption against inappropriate development in the Green Belt and any harm caused. Fundamental to this issue is the previous planning history, which approved a WTS of the same scale, design and location as is being proposed in this application.

In terms of the purposes of including land in the Green Belt, the application site lies 40m within the Green Belt on its northern boundary with Macclesfield. The Green Belt in this location has an important role in preventing the unrestricted sprawl of Macclesfield urban area. The landfill shares its northern boundary with the Green Belt and is clearly defined by a line of mature trees which also provides an element of visual screening. The application site

lies entirely within the landfill boundary, on land made up of the internal access road and an area of vegetation/scrubland. The WTS building would be situated within a cluster of other built development/infrastructure. Importantly, the footprint and location of the WTS building remains the same as was consented under 5/08/0639P. On this basis, and given that the only difference between the two schemes relates to its operational life, it is not considered that this would present any greater impact in terms of the purposes of including land in the Green Belt than was generated by the previous scheme.

Impact on openness

Regard must be given to the degree to which the visual amenity of the Green Belt is harmed by the proposal, by reason of its siting, material or design. Whilst the principle of a WTS of this scale, design and location has already been accepted, the extended duration of a building on the site required due consideration.

The Green Belt in this location, whilst not being particularly significant in terms of visual or landscape quality, has an important role in maintaining openness given the close proximity of Macclesfield urban area.

The degree of openness on the northern Green Belt boundary has already been compromised by existing built development including the Highways Depot, settlement of Lyme Green, road infrastructure; and within the landfill itself, the waste to energy plant, nissen hut, household waste recycling centre and leachate management system. These built features have changed the intensity and visual appearance of the site, introducing a degree of urbanisation. Views of the WTS would be seen against this backdrop. The scheme would not result in a substantial increase in the developed portion of the landfill site and it is noted that the built development would be a temporary feature, after which the site would be restored in accordance with the landfill restoration scheme.

Despite this, it is considered that the WTS would introduce a new building which is likely to project beyond the mature trees on the northern boundary of the landfill. The building would be present for a period of 14 years which is considered a fairly significant timescale. Whilst only being for a temporary period, it would nonetheless still present a visible and recognisable feature in the Green Belt, especially from views to the north. Its scale and location would present a degree of detrimental impact on the openness and visual amenity of the Green Belt. As such, it is necessary to consider whether there are any material considerations present which outweigh the harm to the Green Belt in this instance.

Sustainable waste management

In respect of any impacts on the Green Belt, PPS10 (paragraph 3) advises:

'the locational needs of some waste management facilities, and any sustainable waste management benefits derived from them should be given significant weight'

In the grant of planning permission 5/08/0639P, the particular benefits arising from a WTS on the Danes Moss site were considered significant enough to outweigh any harm to the Green Belt and this is material to the consideration of this application. This scheme is in essence a re-submission of the previous application, with the only difference being the extended operational life until 2027, and a moderate reduction in the annual throughput. These matters

are considered further below, with particular regard given to any benefits arising from the extended operational life.

PPS10 provides a number of overarching planning objectives for sustainable waste management, which includes establishing a network of facilities to enable waste to be driven up the waste hierarchy and used as a resource; with waste arisings being managed as close to source as possible. The importance of *'providing sufficient opportunities for new waste management facilities of the right type, in the right place and at the right time'* is emphasised (paragraph 2), along with ensuring that the recovery or disposal of waste is secured without endangering human health or harming the environment. These objectives are reiterated in CRWLP in terms of encouraging sustainable management of waste, in accordance with the waste hierarchy, and are being adopted in the emerging Cheshire East Local Plan Policy Principles and Development Strategy, which emphasise the need to make sufficient opportunities for the provision of waste management facilities in appropriate locations to meet communities needs.

The European/UK waste legislative and policy targets are also material considerations, such as the need to recycle 50% of household waste by 2020, and reduce the amount of biodegradable municipal waste (BMW) landfilled to 35% of that landfilled in 1995 by 2020 (Landfill Directive). The most recent landfill allowance targets restrict the maximum amount of biodegradable municipal waste sent to landfill to 14,515,000 in 2013 reducing to 10,161,000 by 2020 (Landfill (Maximum Landfill Amount) Regulations 2011). Equally, the principles of the 'waste hierarchy' are now enshrined in UK legislation and the Government is aiming to move towards a 'zero waste economy' by 2020 by viewing waste as a resource (Government Review of Waste Policy 2011).

The Waste Needs Assessment 2011 estimates that, by 2030, over half of all MSW waste arisings will be recycled (130645 tonnes); whilst the majority of C&I waste arisings will be recycled (278,687 tonnes). Across both waste streams, it identifies a capacity gap of 300,000 - 400,000 tonnes per annum; and an indicative requirement by 2030 for 10 facilities for MSW recycling and 8 facilities for C&I. Whilst these figures are based on a modelled future waste management scenario which is unlikely to be achieved, it nonetheless provides a broad picture of potential future demand. In terms of actual performance, the Annual Monitoring Report identifies that 178,348 tonnes of household waste was produced in Cheshire East in 2011/12, and recycling/composting rates have increased by 4.18% since 2010/11. Similar increases in recycling rates were experienced for C&I waste, which increased twofold between 2006 and 2009 up to 56.7%.

In order to enable communities to take responsibility for their own waste, a sustainable network of waste management facilities is required. In the north of the authority the vast majority of municipal and commercial waste is generated within the areas of highest population, centred around Macclesfield urban area. There is currently an imbalance of waste management facilities in the north of the authority. Danes Moss landfill, which serves the population of Macclesfield, Congleton, Knutsford, Wilmslow and Poynton is scheduled to close in 2014, after which time there will be a shortage of facilities for managing local MSW and C&I waste arisings within this immediate catchment. There is currently only one other local facility licensed to handle residual waste, and this facility has operating restrictions. In the event this facility is not available, waste would then need to be transported over significant

distance, which creates difficulties in facilitating an efficient and sustainable network of waste management facilities to meet local needs.

The provision of a WTS in Macclesfield to meet current and future waste arisings from this major centre of population has already been accepted as it was a specified requirement in the Needs Assessment produced to inform the preparation of the CRWLP. Equally, the benefits derived from siting a WTS on Danes Moss landfill have been considered sufficient to justify any impact on the Green Belt. Specifically, the applicant identifies these to include:

- Meeting an unmet need for a centralised WTS in the north of the authority to bulk up waste for future processing;
- The site selection exercise demonstrates that there are no other available or more suitable sites that are sequentially preferable within the drive time of the Macclesfield catchment.
- There would be no cumulative impacts with the landfill, as it will act as a replacement facility and will utilise its existing infrastructure and access arrangements;
- The continued use of this site is more preferable than the development of a new site elsewhere.
- The WTS will help to maximise the recycling and recovery of waste by bulking up waste for treatment at a MRF, where further processing can recover recyclates and value from the waste;
- It will ensure MSW and C&I waste can be managed locally without giving rise to significant vehicle miles; and ensure refuse collection vehicles have a much shorter turn around time;
- It would reduce vehicle emissions and the carbon footprint associated with managing waste at an alternative facility outside of the Macclesfield area;
- The facility enables Cheshire East to be self sufficient in managing their own waste and meeting the requirements of Waste (England and Wales) Regulations 2011 and will contribute to a sustainable network of facilities;
- It would assist the waste collection authorities in meeting their contractual requirements.
- The facility would handle approximately 60,000 tonnes of waste per year which is broadly in line with throughout of the landfill in recent years and is approximately 20,000 tonnes per annum lower than the previously approved WTS.

In respect of the extended timescale proposed, the applicant considers this justified on the basis that this is necessary to make the development economically viable when considering the investment expenditure required against the period of time necessary to recoup those costs. They also consider it unlikely that any other alternative site more suitable site will become available before that timescale, in view of the lengthy timescales involved with finding an alternative site. The timescales proposed allow sufficient time for the applicant to bid for the residual contract for managing Cheshire East waste, and would thus perform an integral role in the medium / long term sustainable waste management solution for Cheshire East.

Whilst it is noted that the Inspectors report into the CRWLP discounted the landfill as a potential WTS location (on the basis there were no very special circumstances to outweigh the harm to the openness of the Green Belt), the Inspector did not have the benefit of the extensive site search undertaken by the applicant which demonstrates that the sequentially preferable sites are not available or deliverable at this time. Furthermore, the Inspector's

comments related to the whole of the Danes Moss Landfill site, rather than the small application site proposed. However, fundamental to this issue is the fact that these very special circumstances have already been deemed acceptable and any additional timescale proposed will only assist in supporting a flexible and efficient network of sustainable waste management facilities to serve the needs of the local community, in line with the approach outlined in PPS10.

Whilst there is a need to carefully balance the waste planning policy/legislative requirements against the policy presumption against inappropriate development in the Green Belt, in this instance there is a clear overriding need for a WTS in the north of the authority to serve this large urban catchment following the closure of Danes Moss Landfill. The applicant has provided sufficient evidence to demonstrate that there are no other sequentially preferable sites that are available, suitable or deliverable at this time. Equally, given that this is a temporary proposal, the building would be removed upon closure and land restored to mirror the wider landfill restoration.

Given these benefits, it is considered that this amounts to the very special circumstances necessary to overcome the policy presumption against inappropriate development in the Green Belt and any harm caused. Should planning permission be granted, it is recommended that a condition be imposed to ensure operations cease by 2027 and to secure the full restoration of the site. On this basis, the scheme does not conflict with Policy 15 of CRWLP, Policy GC1 of MBLP, along with the approach of the NPPF and PPS10.

Alternative sites – Compliance with Policy 5

For development not located on preferred sites in CRWLP, the applicant must demonstrate that:

- I. the preferred sites are either no longer available or are less suitable than the site proposed; or
- II. would meet a requirement not provided for by the preferred sites; and
- III. the proposed site is located sequentially to meet the development needs within the Regional Spatial Strategy.

A detailed site search exercise has been undertaken by the applicant to assess in land use planning terms, all potentially suitable sites within a 20 minute drive time of Macclesfield, including those urban areas just beyond the catchment (i.e. Congleton, Prestbury and Bollington). The 20 minute drive time used in the assessment is considered reasonable given the need to ensure a sustainable and efficient waste collection service.

A list of 33 potential sites were identified from a range of sources including:

- preferred sites of the CRWLP;
- sites identified to inform the preparation of the CRWLP (Entec 'Search for Potential Waste Management Sites' Report); and
- B1, B2 and B8 employment allocations in the Congleton and Macclesfield Borough Local Plans.

After discounting those already fully developed or subject to alternative allocations or uses, the remaining 28 sites were assessed against a range of locational criteria as defined in PPS10 including individual site/environmental characteristics, neighbouring land uses and

access constraints and unsuitable sites discounted. The 5 remaining after this process were investigated further and were subsequently discounted on the basis of:

- CRWLP preferred site WM10 (Hurdsfield Industrial Estate) – units were either being used for office development or were considered too small to accommodate the operational requirements of the WTS;
- MBLP allocation E3/E4 (Lyme Green Employment and Business Park) – presence of high end flagship stores makes WTS inappropriate due to proximity to sensitive receptors;
- MBLP allocation E4 (Fence Avenue, Macclesfield) – limited number of available units and constrained by scale/design; presence of high profile retail uses made the proposed land use inappropriate; access to the site is constrained and internal access arrangement unsuitable.
- MBLP allocation E5/E6 (Land south and west of Moss Lane, Macclesfield) – unsuitable access off Moss Lane; undeliverable until new distributor road is constructed; considered too close to sensitive receptors; potential cumulative impacts with the Henshaws waste management facility.
- CRWLP preferred site WM17/WM18 (Radnor Park Congleton) – no available plots capable of accommodating a WTS.

In terms of Policy 5, the Danes Moss site lies within the Green Belt and is not defined as previously developed land (as per the NPPF definition). Thus sites in CRWLP, MBLP or other previously developed land in the urban area would be sequentially preferable. However, the applicant has demonstrated that all other sequentially preferable sites within the catchment have been considered and ruled out as they were:

- Either not suitable for a WTS of this scale and nature,
- Not available at the time, or
- Not deliverable for this use at this time.

The use of this site enables a co-location of complimentary land uses which is supported by PPS10. It would:

- generate similar operational impacts on local amenity
- result in a reduced traffic levels
- offer efficiencies in service provision and more sustainable resource use.

The site also has good access to the A classified road network which will be required for the onward transportation of bulked up waste from this site.

In respect of unallocated sites for new waste management facilities, PPS10 says these should be considered favourably when consistent with the policies of PPS10 (paragraph 21) and the waste planning authorities core strategy. Particular considerations include:

- physical and environmental constraints, such as any potential land use conflict,

- the capacity of transport infrastructure to support the sustainable movement of waste, nature conservation and protection of water resources, and
- the cumulative effects of waste facilities on the amenity of the local community and on the environment.

In respect of specific site/environmental benefits of Danes Moss landfill, the applicant identifies the following:

- Close proximity to major centre of waste generation;
- Remote location from sensitive receptors, the closest being approximately 200m to the north west;
- Existing vegetative screening around the site boundary;
- Direct synergies to the HWRC also located on the landfill;
- Similar land use impacts to the existing landfill;
- Ability to operate the WTS within the environmental controls already established for the landfill;
- The facility can operate without giving rise to unacceptable environmental impacts;

Whilst the CRWLP still remains the Development Plan, it is acknowledged that due to the age of the CRWLP (2007), many of the preferred sites have been built out and are no longer available. Equally, it is also noted that the emerging Cheshire East Local Plan Development Strategy identifies as a strategic site for new development, two of the CRWLP preferred sites at WM13 (forming part of the South Macclesfield Development Area) and WM10 (forming part of Macclesfield Town Centre) which propose a range of uses including residential, retail, and employment land along with the provision of a relief road.

On the basis of the findings of the alternative site assessment, and significant sustainable waste management benefits arising from the use of Danes Moss, including the benefits of co-location of similar land uses, it is considered that the applicant has demonstrated there are no other more suitable or sequentially preferable sites at this time for the provision of a WTS within a sustainable drive time catchment of Macclesfield. As such, the scheme meets the requirements of CRWLP Policy 5 and the approach of PPS10.

Impact on water quality

The scheme proposes to manage surface and foul water on site in line with current operations. Clean surface water will be managed through the existing on-site landfill drainage system via trapped gullies, oil interceptor and new surface water drain. The limited amount of foul water arising from the scheme would be managed via a sealed tank and removed to a waste water treatment facility.

PPS10 makes clear that it should be assumed the relevant pollution control regime is properly applied and enforced. The scheme will require an Environmental Permit which will be regulated by the Environment Agency (EA). This will consider any potential pollution to water resources. Given that no objections are raised by the EA and the scheme proposes to utilise existing landfill drainage arrangements, it is considered that there would be no adverse impact on ground/surface water quality or resources. As such, the scheme accords with policy 18 of CRWLP and policies DC19 and DC20 of MBLP, along with the approach of PPS10 and NPPF.

Highways

A Transport Statement (TS) has been submitted to assess the predicted future traffic demands arising from the facility including the cumulative impacts until 2015 with the landfill, WTS, HWRC and leachate plant all in operation.

The TS highlights that there will be no increase in traffic arising from the delivery of waste to the facility as it will effectively replace the landfill, so existing waste deliveries will be redirected into the WTS. However, new additional movements would arise from the export of bulked up waste. Equally, whilst there would be a cessation of vehicle movements associated with landfill engineering works upon closure of the landfill in 2014, a number of vehicle movements would remain until 2015 for the landfill restoration works.

On the basis of the proposed 60,000tpa throughput, this equates to an average weekday HGV demand for 74 HGVs vehicle movements (37 in and 37 out) for waste deliveries; and a further 24 HGV movements (12 in and 12 out) for export of bulked up waste; resulting in a total requirement for 100 HGV movements (49 in and 49 out). Peak rush hour demands are predicted to be limited, representing only 5.5% of the daily flow. When compared against current landfill operational traffic, the TS identifies that the predicted future vehicle movements arising from the WTS would result in an overall net decrease in operational trip movements to/from the site. As such, it is unlikely to result in material highway operational issues. The TS also notes that the predicted daily movements are well below the existing 400 HGV movements (200 in, 200 out) permitted for landfill; and this maximum HGV operating limit was re-confirmed as being appropriate by the Local Highways Authority in the grant of the landfill extension of life in 2009.

In relation to the cumulative impacts arising in the 12 month period up to 2015, when the WTS will be operated alongside the HWRC, leachate plant and the landfill restoration, the TS identifies that the main site access junction will operate efficiently with some element of spare capacity. As such, it concludes that the WTS would not result in a material change in the operational capacity conditions over the local highway network.

Whilst the TS predicts that the scheme will generate an average weekday HGV demand for 100 movements (49 in, 49 out), the applicant has requested that an element of flexibility be built into the restriction on daily vehicle movements to cater for fluctuations in demand and unexpected disruption to collections (e.g. caused by adverse weather conditions). A 50% daily buffer is proposed to provide for such scenarios which would enable up to 150 (74 in, 74 out) daily HGV movements. It is considered that a planning condition could be imposed to provide for this flexibility whilst ensuring that the cumulative vehicle movements on site (including those generated by the landfill restoration) would remain within the 400 movements limit provided by the landfill consent. In order to prevent the facility from being able to operate beyond their proposed annual capacity, the applicant is happy to accept a planning condition restricting the overall tonnage limit of the facility to 60,000tpa. A planning condition is also recommended to ensure that the WTS will not be operational until such time as landfilling activities (aside from landfill restoration) have ceased. On the basis that, cumulatively, the scheme will not result in any exceedance of the current permitted HGV movements for the landfill (at 400 movements (200 in, 200 out) the Highways Officer raises no objection to this provision.

Material to the consideration of any highways issues is the previous grant of permission for the WTS, which considered the impact on the local highways network to be acceptable, and which proposed a larger throughput of waste than is proposed by this scheme. Importantly, the subsequent consent for the WTS (5/08/0639P) permitted a maximum of 400 HGV movements (200 in, 200 out), which was granted in addition to the same vehicle allowance provide for on the landfill consent (09/0761W). This is substantially more than is being proposed by this scheme.

In respect of site access, the TS identifies that no off-site highway improvements would be required to facilitate the scheme as the traffic demands can be accommodated by the existing site junction layout which currently serves the landfill and other associated facilities on site. The Highways Officer also considers that the junction with the A536 is of a good standard which provides more than adequate visibility. Internally, the scheme will require a realignment of the existing access road to serve the WTS and weighbridge. The details of the access realignment can be secured by planning condition.

In view of the above, it is considered that the level of traffic would not exceed the capacity of the local road network and there are adequate access arrangements for the nature and volume of traffic proposed. Subject to the imposition of the above planning conditions, the scheme accords with Policies 11 and 28 of CRWLP; and Policies DC3 and DC6 MBLP; along with the provisions of PPS10 and NPPF.

Noise

Local residents have raised noise impacts arising from the facility as a particular concern. A noise impact assessment has been submitted to assess the likely impacts arising from the construction and operation of the scheme. Background noise measurements were undertaken at the nearest sensitive receptors during a typical weekday period and on a Sunday to establish the worst case scenario for baseline noise levels. Measurements at over ten similar WTS facilities over the past 5 years were used to determine the noise levels likely generated by this facility.

Construction noise impacts

The assessment identifies that construction noise impacts are likely to vary depending on the phase of construction and time of day. The greatest impact associated with the construction of the building and soil movements. However, this is not expected to exceed unreasonable levels (according to relevant guidance) and, given the distance to sensitive receptors and timescales involved, the Environmental Health Officer considers that the impacts can be minimised through implementation of good practice measures. Planning conditions are also recommended in respect of hours of operation and details of piling activities.

Operational noise impacts

The main operational noise impacts are likely to arise from fixed and mobile plant and road traffic noise. Noise impacts are likely to be greatest on Sundays when background noise levels are lowest.

The most relevant noise guidance for this type of facility recommends that the noise level should not exceed background noise levels by more than 5dB(A) to avoid likelihood of complaint. During this time, the assessment identifies that the predicted noise levels at the nearest residential boundary, with the implementation of noise mitigation, would range from

41dB(A) to 43dB(A) Leq. This is lower than existing ambient noise levels and between -0.1dB(A) to -12dB(A) below existing background noise levels. These results are below reasonable noise limits set in relevant guidance (i.e. below the limit where complaint is likely). The assessment also considers the cumulative effects arising from on-site vehicle movements and operation of fixed plant and identifies this as being neutral to negligible.

The noise assessment includes a worst case scenario for road traffic noise up until 2015 arising from the combined operation of the WTS, HWRC, Leachate plant and landfill restoration. During this period, noise levels would increase by up to 2.7 dB(A), after which this drops to 1.3 dB(A) reflecting the completion of the landfill activities. In accordance with relevant DMRB guidance, any noise increase up to 3dB(A) is considered as negligible impact in the short and long term and is therefore not considered a significant impact.

The conclusions of the assessment are that noise levels from the proposed development are unlikely to cause complaint at the nearest residential receptors and will fall well within relevant noise standards. This is based on the assumption that recommended mitigation measures are implemented and maintained.

In terms of mitigating specific construction impacts, a detailed construction management plan would be to be developed, which includes provision for:

- Restriction on construction hours to non-sensitive times of the day;
- Careful positioning of plant to minimise noise radiating towards sensitive receptors
- All plant fitted with appropriate silencers, acoustic hoods
- Adoption of best practical means
- Use of best practical means to control construction noise on site (e.g. maintenance of equipment, use of low noise plant, limited use of reverse alarms etc)

For the operational noise impacts, the Environmental Health Officer recommends a number of planning conditions. These include provision of a noise mitigation scheme to require:

- the approval of the detailed acoustic design for the reception building and fast shutting roller shutter doors;
- maintenance of all on-site mobile plant and fitting of silencers and white-noise reverse alarms.
- use of mobile plant to avoid unnecessary banging and scraping of loading buckets;
- compliance with noise limits specified in the relevant planning condition.

Further planning conditions are also recommended to:

- secure a scheme of noise monitoring;
- limit waste movements after 1300 hours on Saturday to HWRC waste only;
- limit a maximum of 3 vehicles before 10am on Sundays.

The Environmental Health Officer considers that these measures will protect residential amenity and ensure that noise mitigation is optimised at the most sensitive times of day.

It is also important to note that the noise impacts arising from a WTS of the same design and location were previously considered acceptable in the grant of consent 5/08/0639P. This

scheme would have greater restrictions imposed by planning condition in respect of limited vehicle movements on Sundays and more stringent noise controls.

On the basis that the noise mitigation is secured by planning condition, and taking into account the operational times and distance to sensitive receptors, it is considered that the impact on residential amenity arising from noise generated by the scheme would not be significant and would not give rise to any unacceptable levels of noise pollution or significantly injure the amenity of nearby sensitive receptors. The scheme therefore accords with Policy 23 of CRWLP and Policy DC3 of MBLP, along with the approach of PPS10 and NPPF.

Air Quality

Odour

The impact of odour emissions on local amenity is a particular concern of local residents. PPS10 makes it very clear that the planning and pollution control regimes are separate but complimentary and the planning system should not concern itself with the control of pollution arising from daily operations on the site. Instead this falls to the Environment Agency to regulate through the Environmental Permit. The potential for odour to impact on local amenity is still a material planning consideration. In this regard, the applicant has submitted an odour mitigation statement which outlines the proposed building design features and good site management practices which could limit fugitive odour emissions arising from the scheme.

In terms of the scheme design, the building is positioned to the east of the HWRC which allows maximum separation distance from sensitive receptors (approximately 200m to the west). All waste would be unloaded and stored within the confines of the WTS building. The roller shutter doors have been positioned to face away from sensitive receptors, and placed on adjacent walls to prevent through-flow of air. The doors would remain closed aside from allowing for movement of waste vehicles, whilst the personnel doors would be equipped with self closing devices. The internal arrangement of the building enables waste to be kept away from the door openings. Aside from the doors, no other windows or large permanent openings are proposed to avoid direct sunlight into the building and thus maintain a low internal temperature. In addition all vehicles involved in the transportation of waste will be fully sheeted. These matters could be secured by planning condition.

Waste being received would be part of a known contract and the applicant states that they could therefore control the quantity of waste being stored to limit the time from deposit to removal. Although the temporary WTS building has a capacity to store waste for up to five days, the applicant states that every effort would be made to remove waste by the end of each working day, with only limited quantities stored overnight. This should ensure that odour is kept to a minimum.

The applicant has highlighted a number of good site management practices which will also assist in minimising odour:

- Malodorous waste being removed from site as a priority;
- No unnecessary handling of residual waste;
- Residual waste removed from site in bulk within sheeted or fully enclosed waste transport vehicles

- Regular cleaning of internal machinery, wheel loaders and operational areas of the WTS building
- Development of a site management schedule (required as part of the Environmental Permit) including provisions for site maintenance, monitoring of odours and weather conditions, use of mobile odour suppressant unit and complaints procedure to ensure efficient remedial action.

The odour statement concludes that the odour levels experienced outside the WTS building are likely to be no greater than that associated with the adjacent HWRC. Given the nature of proposed development, prevailing wind direction (south westerly and thus away from the majority of sensitive receptors) and implementation of good building design/site management practices, the statement considers the risk of odours to be negligible.

Whilst the Environmental Health Officer remains concerned over the potential for fugitive emissions arising from this facility, he does recognise that the detailed odour control measures would be assessed and secured through the Environmental Permit. In accordance with PPS10, the Council have to assume the necessary regulatory controls are properly imposed and enforced. The Environmental Permit will contain adequate provisions to ensure the scheme is operated without waste management activity is carried out without causing a nuisance through odours, and the Environment Agency have no objection to this scheme. The Environmental Health Officer recommends the imposition of a planning condition to secure an odour mitigation scheme in order to ensure the mitigation detailed above is secured to protect the amenity of local residents. It is also important to note that the impact of odour arising from this scheme was considered acceptable in the grant of the previous consent for this facility.

Dust

In terms of dust impacts, the applicant has stated that, given the nature of the proposed development, the distance to sensitive receptors and the implementation of mitigation, the impacts of dust will be negligible. Mitigation proposed includes:

- sheeting of all vehicles involved in the transportation of waste;
- manual sweeping of the site and use of wash down facilities;
- use of hardstanding for areas trafficked by HGVs.

The Environmental Health Officer notes that the deposit and movement of waste has the potential to generate dust emissions. As such, a planning condition is recommended to ensure the use of suitable good practice measures to limit dust generation on site.

Given that the Environmental Permit will control air pollution arising from the operational aspects on site, it is considered that any remaining harm to local amenity arising from air quality emissions can be adequately controlled through the imposition of planning conditions. As such, subject to the imposition of these controls, the scheme will not have an unacceptable impact on the amenity of sensitive receptors by reason of air quality impacts and accords with Policy 24 and Policy 25 of CRWLP, Policy DC3 of MBLP along with the approach of PPS10 and NPPF.

Windblown Litter

There is concern by local residents that the scheme could give rise to additional windblown litter. All handling of waste would be undertaken within the confines of the WTS building with the roller shutter closed apart from to allow vehicle access. Furthermore, any vehicles involved in the transportation of waste would be covered or securely sheeted. As such, the proposal would not give rise to significant impacts from windblown litter. Should planning permission be granted, these issues would be secured by condition. This would accord with Policy 25 of CRWLP, Policy DC3 of MBLP, as well as the approach of PPS10 and NPPF.

Landscape, Visual and Arboricultural Impacts

In view of the location of the site within the landfill and enclosed by the screen boundary planting and landform of the landfill, the landscape and visual assessment identifies the effects of the scheme would not be significant.

The development would be situated alongside waste management infrastructure including the HWRC, the leachate treatment plant and waste to energy compound. Moreover, the landscape and visual impact of a waste transfer building has already previously been accepted in the grant of the temporary WTS ref: 5/08/0639 which proposed the same scale and height of building as this scheme. The difference with this submission is the longer timescale proposed for the facility.

Overall, the landscape and visual assessment identifies that this extended timescale would lead to little or no appreciable difference in effect over that provided in the original scheme.

In view of the fact that this is no difference in landscape or visual impacts to that presented by the previously consented application, the Landscape Officer does not raise any objections on landscape or visual grounds. A landscape scheme has been submitted for both the interim landscaping proposals whilst the building is in operation, and following restoration of the site. The details provided are considered acceptable in principle and would complement the approved restoration proposals for the landfill. The final detailed landscaping and restoration scheme for the site can be secured by means of planning condition to ensure an overall net benefit to the local landscape.

Arboricultural Impacts

The proposed development requires the removal of a number of trees which form a small copse to the east of the HWRC. These are not visible from Congleton Road, but form part of the landscape within the internal aspect of the Danes Moss Landfill Site. Their value lies in their collective presence, and the Forestry Officer does not consider that they are an important or significant component of the landscape. As such, their removal would only have a moderate impact on the amenity of the local area. It is considered that this loss could be compensated by supplementary planting of native woodland to achieve an overall net gain of tree cover on the site as part of the detailed landscaping scheme to be secured by planning condition.

Subject to the provision of detailed landscaping scheme, the scheme is considered to comply with policy 11 and policy 14 of CRWLP as it would not have an unacceptable impact on the landscape or any trees on the site. It also complies with DC1, DC3 and DC9 of MBLP.

Ecology

Part of the application site is made up of existing vegetation planting and scrubland. The site is also located approximately 700m from the Danes Moss Site of Special Scientific Interest (SSSI) and Danes Moss Local Wildlife Site (LWS) is located within 200m of the site boundary. The ecological appraisal identifies that, due to the small size and nature of the proposal and distance from the SSSI, no indirect impacts are predicted. Equally, no indirect impacts are predicted on the Danes Moss LWS as there are no watercourses on or near the site and it is unlikely that it is hydrologically linked to the peatland LWS.

Badgers

In terms of impact on badgers, the ecological appraisal identifies that the habitats present limited opportunity for sett building and provide poor quality foraging. A sett was previously recorded approximately 100m from the application site. However, no disturbance is envisaged by this scheme, subject to careful construction techniques. To ensure no new setts have been created prior to site construction, a brief check of all areas within 30m of the site is recommended. The ecological appraisal identifies a potential for obstruction of badger movement during the construction period and mitigation measures are recommended to protect the species. No additional risk to badgers traversing the internal access road is anticipated following its realignment as badger movement is limited during the daytime.

Bats

Two buildings approximately 25m from the site are considered to have limited bat roost potential. Appropriate measures are recommended to avoid disturbance to these buildings. A small number of bat boxes are proposed to enhance the potential roosting resource. The ecological appraisal identified that the site is unlikely to have more than limited potential value to foraging bats and not potential significant linear commuting features will be impacted. The appraisal provides a range of design mitigation and wildlife enhancement measures to be incorporated into landscape/restoration proposals.

Breeding Birds

Potential impact on breeding birds will be largely associated with species nesting in the surrounding vegetation or grassland, along with temporary disturbance during construction. The ecological appraisal recommends construction work to avoid bird breeding times and identifies suitable habitat creation/enhancement measures which include provision of six bird boxes to offset any short term loss of potential nesting habitat. It also recommends the establishment of an appropriate buffer around nesting areas to avoid potential disturbance of nesting birds during construction.

Habitats

The Nature Conservation Officer notes that the habitats present on site have some nature conservation value in the local context. However, the habitats are highly artificial, disturbed and are of recent origin. As such, the proposed development is not anticipated to lead to a significant loss of biodiversity. The proposed restoration of the site to rough grassland and native species plantation woodland is considered acceptable. The Nature Conservation Officer recommends the detailed design of the landscape/habitat restoration scheme to be secured by planning condition, with provision of a new wildlife pond to deliver a significant gain for nature conservation in accordance with the NPPF.

A number of planning conditions are also recommended in line with the ecological appraisal, to safeguard the retained areas of habitat during the construction phase, provide for a badger

survey prior to commencement of works, safeguard breeding birds and ensure additional provision is made for nesting birds and roosting bats.

Toad

Common toad, a UK BAP species, has been recorded on site in considerable numbers. However, considering the scale of the proposed development the adverse impact on this species is unlikely to be significant other than at the very local scale. The provision of a pond as part of the restoration proposals for the site would be of significant benefit for this species, a matter which can be secured by planning condition.

In view of the conclusions of the ecological appraisal and views of the Nature Conservation Officer, subject to the imposition of conditions as detailed, it is considered that the scheme would not have any unacceptable direct or indirect impact on any nature conservation assets or protected species. As such, it complies with policy 11 and 17 of CRWLP and policies NE11 and NE12 of MBLP, along with the approach of PPS10 and NPPF.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The application is for a temporary waste transfer station (WTS) at Danes Moss Landfill to bulk up residual municipal solid waste, and commercial and industrial waste until sufficient quantities are available for export to an appropriate facility. The WTS would replace Danes Moss Landfill which will close in 2014, and would operate until 2027. The application is a re-submission of an earlier scheme for a temporary waste transfer station which was approved in 2008 (Ref: 5/08/0639P) with the key differences being the longer operational timescale proposed, and a lower anticipated overall throughput of waste. The scheme retains the same design, scale and location as was previously approved.

The application site lies in the Green Belt, albeit 40m from its northern boundary with Macclesfield urban area. As such, very special circumstances should be demonstrated to justify any harm to the Green Belt by reason of its inappropriateness. The scheme, due to its size and location, is likely to present a degree of impact on the visual amenity and openness of the Green Belt.

PPS10 makes it clear that the locational needs of some types of waste facilities, together with the wider environmental and economic benefits of sustainable waste management are material considerations which should be significant weight in the assessment of an application. A key consideration in this respect is that this is a re-submission of an earlier scheme for a WTS of the same scale, design and location which was granted approval in 2008.

The scheme provides a temporary WTS to manage waste arisings in the north of the authority following the closure of the landfill. The emphasis of sustainable waste management is to provide an efficient network of facilities to help communities manage their own waste without it being transported over long distances. In this respect the scheme would provide an important facility to meet an identified gap in provision, which is identified as a requirement in the Cheshire wide Waste Needs Assessment 2011. Given the current imbalance of facilities in the north of the authority, once the landfill closes, waste would need to be transported over

significant distance, which is neither efficient, cost effective nor sustainable. The scheme will also help to drive waste up the waste hierarchy and contribute towards targets set in national and European waste policy/legislation.

The benefits deriving from the co-location of complimentary land uses on the landfill site are highlighted by the applicant, including potential to minimise infrastructure requirements, use of resources, ability to manage environmental impacts effectively, direct synergies to the HWRC and providing similar land use implications.

An extensive alternative site search has been undertaken which considered all preferred sites in the CRWLP, employment allocations in MBLP and other potentially sequentially preferable sites within the catchment area. After initially discounting any unavailable sites, a total of 28 were then assessed against a range of locational criteria as defined in PPS10 including individual site/environmental characteristics, neighbouring land uses and access constraints. From this 5 were taken forward for further investigation. Subsequent detailed analysis identified that these were unsuitable due to deliverability, availability, size or locational constraints such as being located in close proximity to sensitive receptors, unsuitable access arrangements or potential for cumulative impacts with other waste land uses. On the basis of the findings of this assessment, and the significant sustainable waste management benefits arising from the use of Danes Moss, it has been demonstrated that there are no other more suitable or sequentially preferable sites at this time to accommodate a WTS within a sustainable drive time of the Macclesfield catchment.

It is considered that the strategic function of the WTS in this location, importance of meeting European and national waste targets, and the demonstration that there is no other sequentially preferable site available for this facility presents the very special circumstances to justify the development in the Green Belt. Regard is also given to the previous grant of consent for a WTS which accepted these material considerations as being significant enough to justify any harm to the Green Belt.

Whilst the scheme is likely to generate some important environmental issues which would require careful mitigation, the imposition of suitable planning conditions can ensure any residual impacts are minimised effectively. With respect to impacts arising from environmental pollution such as odour, PPS10 makes it very clear that this falls to the Environment Agency to regulate through the Environmental Permit, and it is considered that any remaining impact on local amenity arising from the scheme can be adequately managed by suitable planning conditions and good site management practice.

With respect to impacts on the local highway network, the Transport Statement (TS) identifies that the future vehicle movements arising from the WTS would result in an overall net decrease in operational trip movements to/from the site when compared against current landfill operational traffic, and as such is unlikely to result in material highway operational issues. Taking into account cumulative impacts of all waste infrastructure being operated together (i.e. up to 2015) the TS identifies that the main site access junction will operate efficiently with some element of spare capacity. Overall it concludes that the WTS would not result in a material change in the operational capacity conditions over the local highway network. Some element of flexibility in restrictions on vehicle numbers is proposed by the applicant to take account of disruptions to collects (e.g. following poor weather). It is considered that this flexibility can be secured by planning condition whilst ensuring that

cumulative vehicles movements on the site remain within the existing limit imposed on the landfill. As such there would be no detrimental impacts on the local highway network as the level of traffic would not exceed the capacity of the local road network and there are adequate access arrangements for the nature and volume of traffic proposed.

Overall a careful balance needs to be achieved between the protection of the Green Belt, environmental considerations and the wider strategic waste management objectives established in European/national waste policy and legislation. In this instance it has been demonstrated that the benefits derived from this facility in contributing to a sustainable network of waste management facilities and in helping communities to manage their own waste without transporting it over long distances outweigh other policy considerations, especially given the current shortfall and imbalance of waste management facilities close to Macclesfield as a major centre of waste generation. As such the scheme meets the objectives of PPS10 and CRWLP and supports the provisions of National and European waste management policy. Therefore, the application is recommended for approval.

RECOMMENDED:

That the application be referred to the Secretary of State under The Town and Country Planning (Consultation) (England) Direction 2009 [as Green Belt Development] with a recommendation that the application be approved subject to the following:

1. Standard conditions
2. No operation of the WTS until all landfilling ceases (not including restoration activities)
3. Cessation of WTS by 31st December 2027
4. Restricted overall throughput of 60,000tpa
5. Restrictions on processing of waste
6. All waste unloading/handling to take place within the building
7. Roller shutter doors to remain closed, aside from when in use by vehicles
8. Hours of working
9. Scheme for the control on dust
10. Restrictions on highway movements, including no more than 3 vehicles before 10am on Sundays
11. Access arrangements
12. Sheeting of vehicles
13. Submission of details of building materials
14. Noise mitigation scheme
15. Details of piling activities
16. Set noise levels
17. Scheme of noise monitoring
18. Odour mitigation scheme
19. Scheme for foul/surface water disposal
20. Control of water pollution
21. Details of lighting and restrictions on its use
22. Badger survey
23. Breeding bird survey and bird/bat mitigation
24. Safeguarding of retained habitat during construction
25. Construction environmental management plan
26. Landscape scheme (whilst building in operation)

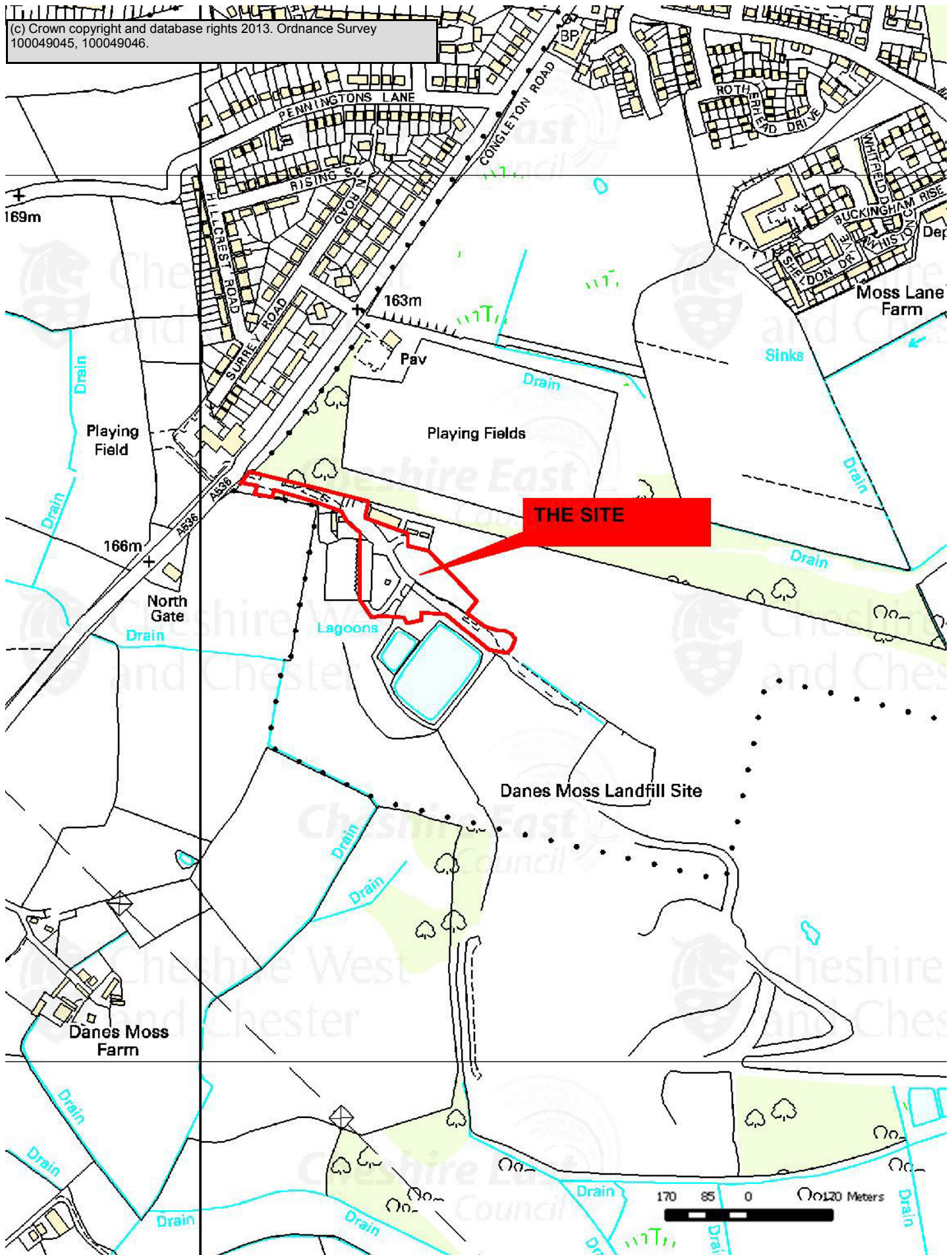
27. Final restoration scheme (once building is removed)

Procedural Matters

The Town and Country Planning (Consultation) (England) Direction 2009 requires resolutions to grant permission for inappropriate development to be referred to the Secretary of State where it involves the provision of a building or buildings with a floorspace of 1000 square metres or development which, by reason of its scale or nature or location, would have a significant impact on the openness of the Green Belt.

In view of the potential impacts of the scheme on the openness of the Green Belt, should planning permission be approved on this scheme, the application would be referred to the Secretary of State to provide them with an opportunity call the application in for their own determination.

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Application No: 13/1421N

Location: LAND TO THE REAR OF BRIDGE STREET, (ACCESS FROM SALLY CLARKES LANE) WYBUNBURY

Proposal: Outline application for residential development at 30 dwellings per hectare net with Primary access off Sally Clarke's Lane and other matters reserved

Applicant: Mr & Mrs G Poole

Expiry Date: 22-Jul-2013

SUMMARY RECOMMENDATION

REFUSE

MAIN ISSUES

Impact of the development on:-

Principal of the Development

Location of the Site

Landscape

Affordable Housing

Highway Implications

Amenity

Trees and Hedgerows

Design

Ecology

Public Open Space

Education

Flood Risk and Drainage

REASON FOR REFERRAL

This application is referred to the Strategic Planning Board as it relates to a departure to the Crewe and Nantwich Borough Local Plan.

1. DESCRIPTION OF SITE AND CONTEXT

The site of the proposed development extends to 0.80 ha and is located to the west of Bridge Street and to the south of Sally Clarkes Lane. The site is within open countryside as defined by the Crewe and Nantwich Replacement Local Plan. To the east of the site is residential development (fronting Bridge Street). To the north is Sally Clarkes Lane which includes one

dwelling known as Willowmead and a site which has planning permission for two dwellings. To the south of the site is Wybunbury Delves Primary School and to the west of the site is agricultural land.

The land is currently in agricultural use and includes a small car sales garage at the junction with Sally Clarkes Lane. The land levels on the site are uneven with the land level rising to the south of the site.

2. DETAILS OF PROPOSAL

This is an outline application for residential development at a density of 30 dwellings per hectare.

Access is to be determined at this stage and this would be via a remodelled junction at Sally Clarkes Lane.

The indicative plan shows a scheme of 20 dwellings including 12 semi-detached two-storey dwellings and a terrace of 8 bungalows.

The layout plan shows that the proposed development would provide off-street parking for the dwellings at 24-46 Bridge Street (2 spaces per dwelling).

3. RELEVANT HISTORY

12/3274N - All matters left reserved seeking approval of access, appearance, landscaping, layout and scale for 2no. Dwellings – Approved 18th October 2012

P08/0811 - Outline Application for Two Dwellings – Approved 11th October 2010

P95/0654 - O/A for demolition of repair garage and erection of 4 dwellings – Refused 19th October 1995. Reasons for refusal:

- Intrusion into the open countryside contrary to Structure Plan Policy
- Highway safety due to proximity to Sally Clarke's Lane and visibility splays

7/18456 - Demolition of commercial garage and two dwellings and construction of 11 terraced and 6 detached houses, together with associated roads, footpaths and landscaping – Refused 26th July 1990. Reasons for refusal:

- Development in the open countryside contrary to Structure Plan Policy
- Development would be out of scale with the village contrary to Structure Plan Policy
- The site is not allocated for development and is contrary to Local Plan Policy

7/12763 - Dwelling with integral garage – Refused 6th February 1986. Reasons for refusal:

- Outside the settlement boundary line as defined by the County Development Plan
- The development is not an infilling in an otherwise built up frontage and would be contrary to the Structure Plan
- Outside the Settlement Boundary and would adversely impact upon the character of the open countryside
- Sally Clarke's Lane is narrow with no turning facilities

4. POLICIES

National Policy

National Planning Policy Framework

Local Plan policy

NE.2 (Open countryside)
NE.5 (Nature Conservation and Habitats)
NE.9: (Protected Species)
NE.20 (Flood Prevention)
BE.1 (Amenity)
BE.2 (Design Standards)
BE.3 (Access and Parking)
BE.4 (Drainage, Utilities and Resources)
RES.5 (Housing in the Open Countryside)
RES.7 (Affordable Housing)
RT.3 (Provision of Recreational Open Space and Children's Playspace in New Housing Developments)
TRAN.3 (Pedestrians)
TRAN.5 (Cycling)

Other Considerations

The EC Habitats Directive 1992
Conservation of Habitats & Species Regulations 2010
Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System
Interim Planning Statement Affordable Housing
Interim Planning Statement Release of Housing Land
Cheshire East Development Strategy
Cheshire East SHLAA

5. CONSULTATIONS (External to Planning)

United Utilities: No comments received at the time of writing this report.

Strategic Highways Manager: The Strategic Highways Manager has undertaken a significant amount of negotiation for this development proposal since his initial recommendation of refusal on 15th May 2013.

The reason for refusal was lack of information and incorrect junction geometry and subsequent to those early comments the applicants have engaged a highway consultant to resolve the access strategy for the site.

Subsequently site meetings have resolved the necessary design for the proposed junction and revised details have been provided which demonstrate that required design standards can be met and that a viable junction design to serve this site is available.

Planning conditions will be recommended which will control the highway aspects of this proposal should a planning permission be granted.

Environmental Health: Conditions suggested in relation to hours of operation, dust control and contaminated land.

Public Open Space: A contribution £18,000 should be made towards improving the existing childrens playground on Wybunbury Playing Fields.

Public Rights of Way: It appears that Public Footpath Wynbunbury No. 14 (which runs along Sally Clarkes Lane) may be obstructed by the proposed development. The application proposes to move the vehicular access approximately 8 metres south east from its existing location but it is unclear whether the developer proposes to divert the public footpath. In addition, there is a proposed post and rail fence to be constructed in place of the existing access which will obstruct the footpath.

As there is currently no proposal for the path to be suitably diverted under the Town and Country Planning Act 1990 (TCPA) by the applicant the PROW unit originally objected.

However the PROW have accepted that the issue will be dealt with at the Reserved Matters stage and have withdrawn their objection.

Natural England: No comments received at the time of writing this report.

Education: A development of 20 dwellings will generate 4 primary and 3 secondary aged pupils.

An analysis of both the existing primary and secondary provision has indicated that there is some surplus currently in both sectors. However based on the large number of developments currently being considered through the planning process and by an appeal panel then it is felt that this surplus should be considered used. On this basis the following contributions will be required:

Primary - $4 \times 11919 \times 0.91 = £43,385$

Secondary - $3 \times 17959 \times 0.91 = £49,028$

6. VIEWS OF THE PARISH COUNCIL

Wybunbury Parish Council: Objects to this application on the following grounds:-

- There is no requirement for Sally Clarkes Lane to be changed in any way other than for the sole benefit of the applicant, the residents who live on Sally Clarkes Lane do not wish the lane to be altered in any way.
- The Parish Council have plans to enhance the area of Sally Clarkes Lane by making a feature of the adjoining land which leads down to Wybunbury brook. Residents have been consulted and they have been asked for their views; a park area with seating etc was favourite, this would be a much welcomed amenity for residents and the many groups of walkers who use Sally Clarkes Lane. The proposed development would impact on these plans in a detrimental way, reducing parking and presenting access which would not be of use to anyone who is infirm.

The Parish Council would also like to raise the following points:

- Access - The difference in levels and the bend in the proposed new access road, where the new lane would meet the old, would cause difficulties for the heavy vehicles that would need to use it e.g. refuse lorries, farm vehicles and the cattle wagon business which is run from Brookhouse Farm.

- The design and access Statement for the development states - (4. Access and Parking) "The proposals provide access to further land site ref. 3783 under the Church Commissioners Ownership. The Site will therefore provide for the short term as well as the medium to long term for potential development subject to planning applications". This is totally unacceptable, as this site is also Green Belt land and the proposed access (being so close to the Bridge) will not cope with increased traffic.
- Traffic - The proposed development is too close to Wybunbury brook bridge and would lead to increased level of traffic. The traffic is already high as evidenced by the following information collected by the Speed indication Device - the figures for Bridge Street traffic are 3780 vehicles a day (380 per hour peak times)
- Drainage is proposed via soak away. This is unlikely to be able to cope, water coming down from the steep inclines and would lie on the old Sally Clarkes Lane and cause problems for road users and pedestrians (public Footpath) alike, especially during Winter months as gritters cannot access the old part of the lane due to it being single track. There is a flood risk on the lane.
- Previous surveys indicate the main sewer would have to be replaced.
- The local housing needs survey does not support a need for this number of houses. The need will be met by the recently approved Wybunbury/Shavington Triangle which will already increase Wybunbury housing stock by 70%.
- As the need for affordable housing has already been met (Wybunbury and Shavington Triangle) further development cannot be permitted on a green field site on such grounds.
- The land has recently been used as agricultural and is not disturbed land.
- The proposed access to Parish land on Sally Clarkes Lane would be via a very steep slope and cannot be acceptable access, especially to the disabled. It would also be needed by the owner of the adjoining field (Brook Meadow), to facilitate maintenance by farm vehicles.
- The proposed site includes a terrace of 8 single storey bungalows for the use of older people, the site is hilly and totally unsuitable for this purpose. The site is also at the opposite end of the village with regard to local amenities such as Post office, Village Hall etc.

Hatherton and Walgherton Parish Council: The Council is concerned about the potential for future development following this application. The highways authority has identified that the proposed junction arrangements are more suited for a much larger development therefore the Council is concerned about future plans for the area.

7. OTHER REPRESENTATIONS

Letters of objection have been received from 2 local households raising the following points:

Principal of development

- There is no need for more housing
- The approval of the Wybunbury/Shavington Triangle would increase the accommodation in the area by 98%
- The development would provide an access for a further site within the SHLAA and could lead to a further 33 dwellings
- Lack of pre-app consultation
- Loss of open countryside

Highways

- Increased traffic within the village

- Increased risk of accidents on the bridge
- Highway safety
- The proposed access would harm Sally Clarkes Lane
- There would be difficulties accessing the site by refuse and delivery vehicles
- The old persons bungalows are not located in an acceptable location
- Loss of the bus stop which is located at the site access point

Green Issues

- Impact upon hedgerows
- Access is required to cut hedgerows along Sally Clarkes Lane
- Impact upon protected species
- The Badger mitigation details are not adequate
- Loss of agricultural land

Infrastructure

- There are drainage problems and there are potential flooding issues
- Previous surveys have indicated that the sewer will need to be replaced
- The local Primary School is already full
- Lack of information on the treatment of the PROW

Amenity Issues

- Overbearing impact
- Loss of day light
- Loss of privacy
- There would be no private rear gardens
- Noise and disruption from construction of the dwellings
- Increased noise

Other issues

- Inaccuracies within the Design and Access Statement
- The additional access to the school would be a security risk
- The desk top study is inadequate
- Loss of property value

A letter of general observation has been received which raises the following points:

- The majority of the site is open countryside
- Enough housing will be provided by another application in the village
- The removal of car-parking on Bridge Street may reduce traffic calming to the detriment of highway safety
- The proximity of the access to the bridge means that there may be visibility concerns at the site access point
- There should be reference to the diversion of the PROW
- The garage site would be suitable for infilling subject to health hazard assessments

Letters of no objection/support have been received from 15 households raising the following points:

- Benefit of providing off-street parking for residents on Bridge Street
- No objection to the proposed housing at the rear
- Support the benefit that the proposed development will provide

- The parking to be provided to the rear will be convenient and safer
- The proposal will provide much needed affordable housing
- The development fits well in the existing village
- The development is in an ideal location

The full content of the objections is available to view on the Councils Website.

8. APPLICANT'S SUPPORTING INFORMATION

To support this application the application includes the following documents:

- Design and Access Statement (Produced by Bower Edleston Architects)
- Tree Survey (Produced by Peter Jackson)
- Affordable Housing Statement (Produced by Bower Edleston Architects)
- Ecological Report (Produced by EVR Ecology)
- Phase I Desk Study (Produced by Demeter Environmental Ltd)

These documents are available to view on the application file.

9. OFFICER APPRAISAL

Principle of Development

The site lies in the Open Countryside as designated in the Borough of Crewe and Nantwich Replacement Local Plan 2011, where policies NE.2 and RES.5 state that only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted. Residential development will be restricted to agricultural workers dwellings, affordable housing and limited infilling within built up frontages.

The proposed development would not fall within any of the categories of exception to the restrictive policy relating to development within the open countryside. As a result, it constitutes a "departure" from the development plan and there is a presumption against the proposal, under the provisions of sec.38(6) of the Planning and Compulsory Purchase Act 2004 which states that planning applications and appeals must be determined "*in accordance with the plan unless material considerations indicate otherwise*".

The issue in question is whether there are other material considerations associated with this proposal, which are a sufficient material consideration to outweigh the policy objection.

Members should note that on 23rd March 2011 the Minister for Decentralisation Greg Clark published a statement entitled 'Planning for Growth'. On 15th June 2011 this was supplemented by a statement highlighting a 'presumption in favour of sustainable development' which has now been published in the National Planning Policy Framework (NPPF) in March 2012.

Collectively these statements and the National Planning Policy Framework mark a shift in emphasis of the planning system towards a more positive approach to development. As the minister says:

“The Government's top priority in reforming the planning system is to promote sustainable economic growth and jobs. Government's clear expectation is that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy”.

Housing Land Supply

The National Planning Policy Framework (NPPF) states at paragraph 47 that there is a requirement to maintain a 5 year rolling supply of housing and states that Local Planning Authorities should:

“identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land”.

The NPPF states that, Local Planning Authorities should have a clear understanding of housing needs in their area. This should take account of various factors including:

- housing need and demand,
- latest published household projections,
- evidence of the availability of suitable housing land,
- the Government's overall ambitions for affordability.

The figures contained within the Regional Spatial Strategy proposed a dwelling requirement of 20,700 dwellings for Cheshire East as a whole, for the period 2003 to 2021, which equates to an average annual housing figure of 1,150 dwellings per annum. In February 2011 a full meeting of the Council resolved to maintain this housing requirement until such time that the new Local Plan was approved. In December 2012 the Cabinet agreed the Cheshire East Local Plan Development Strategy for consultation and gave approval for it to be used as a material consideration for Development Management purposes with immediate effect. This proposes a dwelling requirement of 27,000 dwellings for Cheshire East, for the period 2010 to 2030, following a phased approach, increasing from 1,150 dwellings each year to 1,500 dwellings.

It is considered that the most up-to-date information about housing land supply in Cheshire East is contained within the emerging Strategic Housing Land Availability Assessment (SHLAA) February 2013. The SHLAA has put forward a figure of 7.15 years housing land supply.

Policy change is constantly occurring with new advice, evidence and case law emerging all the time. However the Council has a duty to consider applications on the basis of the information that is pertinent at any given time. Consequently, it is recommended that the application be considered in the context of the 2013 SHLAA.

Paragraph 47 of the NPPF requires that there is a five year supply of housing plus a buffer of 5% to improve choice and competition. The NPPF advocates a greater 20% buffer where there is a persistent record of under delivery of housing. However for the reasons set out in the report which was considered and approved by Strategic Planning Board at its meeting on 30th May 2012, these circumstances do not apply to Cheshire East. Accordingly once the 5% buffer is added, the 2013 SHLAA shows that the Borough has an identified deliverable housing supply of 7.15 years.

The NPPF clearly states at paragraph 49 that:

“housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”

This must be read in conjunction with the presumption in favour of sustainable development as set out in paragraph 14 of the NPPF which for decision taking means:

“where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or*
- *specific policies in the Framework indicate development should be restricted.”*

However, given that Cheshire East can now demonstrate a five year supply of housing land, it is not considered that Policy NE.2 which protects Open Countryside is not out of date and the provisions of paragraphs 49 and 14 do not apply in this case.

Emerging Policy

The current application site was not considered as part of the Development Strategy.

The NPPF consistently underlines the importance of plan-led development. It also establishes as a key planning principle that local people should be empowered to shape their surroundings. Regrettably the Secretary of State has often chosen to give less weight to these factors within his own guidance – and comparatively more to that of housing supply. These inconsistencies feature within the legal action that the Council is taking elsewhere.

In the recent Secretary of State decision's in Doncaster MBC it was found that a development was to be premature even though the Development Plan was still under preparation. Important to this decision was the finding that a five year supply of housing land was available. There is nothing in national guidance to suggest prematurity and housing supply should be linked in this way, and logic might question how the two are interlinked, but this factor was evidently influential in this case. Given that the Council now has a 5 year supply of housing it is considered that a pre-maturity case can be defended in this case.

However, the 5 year supply is a minimum provision and not a maximum and, given that there remains presumption in favour of sustainable development which according to the NPPF

“should be seen as a golden thread running through both plan-making and decision-taking”, it is still necessary to consider whether the proposal would constitute sustainable development and whether there would be any significant adverse impacts arising from the proposal.

Conclusion

- The site is within the Open Countryside where under Policy NE.2 there is a presumption against new residential development.
- The NPPF states that where authorities cannot demonstrate a 5 year supply of housing land, relevant local plan policies are out of date and there is a presumption in favour of development unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
 - specific policies in the Framework indicate development should be restricted.
- The 2013 SHLAA shows that the Borough has an identified deliverable housing supply of 7.15 years and therefore the presumption in favour of the proposal does not apply.
- The proposal does not accord with the emerging Development Strategy. Previous appeal decisions have given credence to such prematurity arguments where authorities can demonstrate a five year supply of housing land.
- However, the 5 year supply is a minimum requirement and the NPPF carries a presumption in favour of sustainable development. It is therefore necessary to consider whether the proposal is sustainable in all other respects.

Location of the site

The site is considered by the SHLAA to be sustainable. To aid this assessment, there is a toolkit which was developed by the former North West Development Agency. With respect to accessibility, the toolkit advises on the desired distances to local amenities which developments should aspire to achieve. The performance against these measures is used as a “Rule of Thumb” as to whether the development is addressing sustainability issues pertinent to a particular type of site and issue. It is NOT expected that this will be interrogated in order to provide the answer to all questions.

The accessibility of the site shows that following facilities meet the minimum standard:

- Post office (1000m) – 580m
- Cash Point (1000m) – 580m
- Primary School (1000m) – 100m
- Local meeting place (1000m) – 650m
- Public House (1000m) – 430m
- Child Care Facility (nursery or crèche) (1000m) - 450m
- Bus Stop (500m) – 100m
- Public Right of Way (500m) – 100m

Where the proposal fails to meet the standards, the facilities / amenities in question are still within a reasonable distance of those specified and are therefore accessible to the proposed development. Those amenities are:

- Amenity Open Space (500m) – 600m
- Children’s Play Space (500m) – 650m

- Outdoor Sports Facility (500m) – 600m
- Convenience Store (500m) – 580m
- Post Box 580m

The following amenities/facilities fail the standard:

- Supermarket (1000m) – 3900m
- Secondary School (1000m) – 4800m
- Medical Centre (1000m) - 5380m
- Pharmacy (1000m) – 3900m
- Leisure Centre (1000m) – 4900m

In summary, the site does not comply with all of the standards advised by the NWDA toolkit. However, as stated previously, these are guidelines and are not part of the development plan. Owing to its position on the edge of Wybunbury, there are some amenities that are not within the ideal standards set within the toolkit and will not be as close to the development as existing dwellings which are more centrally positioned. Nevertheless this is not untypical for a sustainable village (Wybunbury is classed as a sustainable village in the Cheshire East Local Plan Policy Principles document) and will be the same distances for the residential development on Bridge Street from the application site. However, all of the services and amenities listed are accommodated within Shavington, Nantwich or Crewe and are accessible to the proposed development via a short bus journey. Accordingly, it is considered that this small scale site is a sustainable site.

Landscape

The application site is an L-shaped parcel of land which includes a small garage and utilitarian buildings to the Bridge Street frontage and a rectangular parcel of land to the rear. The land has uneven land levels and generally rises towards the boundary with Wybunbury Delves Primary School.

As part of the last Local Plan Inquiry, the Inspector states that he was satisfied that there was no requirement for additional housing location over the Borough as a whole, and more particularly in the village of Wybunbury. Notwithstanding this, in terms of the landscape impact, the Inspector stated that the development would *'be highly visible, to the extent that I consider it would have a significant visual impact upon the setting of the village'*.

However it is not considered that this conclusion is accurate. From the case officer and Landscape Officers site visit the site would only be glimpsed from a small section of Bridge Street with the main view point when crossing the bridge. Other views would be from Sally Clarkes Lane and distantly across the playing fields at Wybunbury Delves Primary School from Wybunbury Road.

The proposed development would respect the linear form of development along Bridge Street and the existing boundary hedgerow would be retained to provide a green buffer to the open countryside to the west. Therefore it is considered that the site does have the capacity to support this proposed residential development.

Affordable Housing

Wybunbury has a population below 3,000. As such there is a requirement to provide 30% affordable housing on sites of 0.2 hectares or 3 dwellings or more under the Council's Interim Planning Statement on Affordable Housing (IPS).

Wybunbury is located in the Wybunbury and Shavington sub-area in the Council's Strategic Housing Market Assessment 2010 (SHMA). In this sub-area the SHMA identified a requirement for an additional 31 new affordable housing units per year between 2009/10 – 2013/4, these are made up of 5 x 1 beds, 10 x 2 beds, 4 x 3 beds, 7 x 4/5 beds and 4 x 1/2 bed older persons accommodation.

The Wybunbury Rural Housing Needs Survey 2012 (RHNS) was sent out to all households in the parish (620) and 282 households responded, which is a response rate of 45%. The survey established that there are 11 households that have at least one member who wished to form a new household within the Wybunbury Parish. Seven households had one member who wished to form a new household within the next five years, two households had two members and a further two had three or more members. Therefore overall this equates to at least 17 individuals. It is accepted that there may be persons from separate households in the same community who wish to form a joint household. Where there was more than one hidden household the household requiring the move the soonest was looked at further. Of these 9 out of 11 households had an annual income of below £35,000 per year.

In addition to the information from the SHMA 2010 and the Wybunbury RHNS, information taken from Cheshire Homechoice, which is the Choice Based Lettings system used to allocate social/affordable rented housing across Cheshire East. This shows that there are currently 15 applicants who have selected Wybunbury as their first choice. Of these applicants, 2 require 1 beds, 5 require 2 beds, 6 require 3 beds and 4 require 4 beds, 2 applicants have not specified the number of bedrooms they require.

Therefore, as there is affordable housing need in Wybunbury, there is a requirement that 30% of the total units at this site are affordable, which equates to 6 dwellings. The Affordable Housing IPS also states that the tenure split the Council requires is 65% rented affordable units (either social rented dwellings let at target rents or affordable rented dwellings let at no more than 80% of market rents) and 35% intermediate affordable units. The affordable housing tenure split that is required has been established as a result of the findings of the SHMA 2010.

The affordable housing statement proposes 6 units of affordable housing which is acceptable as per the IPS (4 rented units and 2 units intermediate tenure). All of the proposed affordable units would be 2 bed houses and this would be acceptable.

As this application is an outline application, details of the proposed affordable housing scheme shall be provided at the first reserved matters and the details of the affordable housing scheme, include the mix of unit types and how these meet the required tenure split. Affordable housing would be controlled through the use of an affordable housing condition.

Highways Implications

The application is in outline form with access to be determined at this stage.

The Strategic Highways Manager is mindful of the comments made by Wybunbury Parish Council regarding vehicle flow and proximity to the bridge over the brook which has priority working.

The Strategic Highways Manager states that the observed site conditions indicate that there is no material concern on highway technical grounds which would support the view of the Parish Council for the following reasons:

- Daily traffic flow for Bridge Street at 3780 vehicles per day is actually relatively low and well within the traffic capacity of this public highway.
- Traffic generation from this site will be less than 30 peak hour trips which, under Department for Transport guidance, is considered not to be a material impact where a public highway has capacity.
- The proposed junction design will provide visibility to the nearside kerb in both directions and is in accordance with accepted standards which, after the site visit, have been set within the guidance of Manual for Streets 2.
- Traffic approach speeds are generally low.
- The bridge over the brook is actually beyond the necessary visibility splays required for the junction which also means that it is beyond the necessary stopping site distance for traffic on approach.

These are the technical factors ruling the traffic generation, junction placement, visibility and stopping site distances. After the site visit, negotiations and the subsequent highway report provided by the applicant, it is clear that they are all adequately met.

In addition a revised junction design is proposed which will not be over scale for the development and the S.H.M. finds this satisfactory.

At the site visit, the applicant's highway consultant noted that the road markings in the vicinity of the site and bridge needed to be refreshed and stated that along with the provision of the proposed access and its markings that the applicant would be prepared to renew the related existing markings.

Given the revised design of the proposed access, which meets the required standards the Strategic Highways Manager considers that the scheme is acceptable on highways grounds subject to conditions.

Amenity

In terms of the surrounding residential properties, the main properties affected are the properties which front onto Bridge Street and the property known as Willowmead which fronts onto Sally Clarkes Lane.

From the front elevation of the proposed dwellings to the rear elevation of the properties which front onto Bridge Street there would be a separation distance of approximately 30-35 metres. This distance exceeds the separation distance of 21 metres between principle elevation as set out in the SPD on Development on Backland and Gardens. The impact upon the properties which front Bridge Street is therefore considered to be acceptable.

To the north-west of the site is a detached dormer bungalow known as Willowmead and a site which has outline consent for two dwellings which is in control of the applicant. The indicative layout shows that the proposed dwellings which would face the rear boundaries of these properties would be single-storey bungalows (it should be noted that these properties would be set at a slightly higher level than Willowmead). However in this case the indicative plan shows that there would be a separation distance of approximately 24 metres between the principle elevations. Again this exceeds the standard separation distances set out in the Councils SPD and is considered to be acceptable.

Due to the separation distances involved, no other residential properties would be affected.

The Environmental Health Officer has requested conditions in relation to hours of operation, dust control and contaminated land. These conditions will be attached to the planning permission.

Trees and Hedgerows

The submitted tree survey identifies two lengths of hedge on the northern boundary, both afforded a Grade A rating and a group of Hawthorn and Lime trees in the north west corner of the site, afforded a Grade C reference.

The boundary hedgerow is worthy of retention and would benefit from some infill planting. There are no trees of significant public amenity value on/adjoining the site. As a result, there are no significant forestry concerns in respect of the indicative layout.

Design

The importance of securing high quality design is specified within the NPPF and paragraph 61 states that:

“Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.”

In this case the density of the site is appropriate and is consistent with that of the surrounding area of Wybunbury. The development would have a linear form that would respect the existing dwellings which front Bridge Street.

The indicative layout shows that the properties on the site would overlook the highway and parking areas. The properties would follow the ribbon of development which is located to the east and fronts Bridge Street. A prominent scheme of tree-planting within the site would create an avenue effect which would add quality to the appearance of the development.

To the open countryside to the west, the boundary hedgerow could be provided/retained to act as a green buffer to the open countryside.

There are Grade II Listed Buildings located at Wybunbury Delves Primary School. However given the scale of the development and separation distances involved it is not considered that the development would impact upon the setting of the Listed Buildings on site.

Although there are some weaknesses with the indicative design, it is considered that an acceptable scheme could be agreed at the Reserved Matters stage and would comply with Policy BE.2 (Design Standards) and the NPPF.

Ecology

Wybunbury Moss SSSI

The Wybunbury Moss SSSI site is located 400 metres to the north of the site. Given the scale of the development and the separation distance involved, it is considered that there is unlikely to be any impact upon the SSSI. However, at the time of writing this report the consultation response from Natural England was outstanding and this will be reported verbally to the Strategic Planning Board.

Habitats

Hedgerows

Hedgerows are a UK Biodiversity Action Plan priority habitat and a material consideration. The hedgerow located on the western boundary of the site should be retained and enhanced as part of the proposed development. This would be secured through the use of a planning condition should the application be approved.

Protected species

An active protective species sett has been recorded on the boundary of the proposed development site. In the absence of mitigation, the proposed development is likely to have an adverse impact on the sett and potentially pose the risk of killing or injuring the resident animals.

To mitigate the potential impacts of the development, the applicant's consultant is proposing to construct an artificial sett in the adjacent field and then to partially or totally close the existing sett. Outline proposals for the timing of the works to reduce the impacts upon badgers have also been provided. This work would be subject to a Natural England license. The Councils Ecologist has advised that the mitigation measures are acceptable and should be secured through the use of a planning condition.

Breeding Birds

In order to safeguard breeding birds the Councils Ecologist has suggested the use of conditions relating to the timing of works and bird boxes.

Public Open Space

Policy RT.3 states that, where a development exceeds 20 dwellings, the Local Planning Authority will seek POS on site. The Policy does also state that where sufficient recreational open space is

already available in close proximity, the LPA may require the developer to enhance that Open Space instead.

In terms of children's play space Policy RT.3 states that the local planning authority will accept a contribution towards play equipment if easily accessible from the site.

In this case there is POS and children's play space within the village. This area is easily accessible from the application site via the existing PROW network and the POS Officer has suggested a contribution of £18,000 towards upgrading this site. The applicant has accepted this contribution and this will be secured as part of a S106 Agreement.

Education

In terms of primary school education, the proposed development would generate 4 new primary places. As there are capacity issues at the local primary schools, the education department has requested a contribution of £43,385. The applicant has agreed to make this contribution and this would be secured via a S106 Agreement.

In terms of secondary education, the proposed development would generate 3 new secondary school places. As there are capacity issues at the local secondary schools, the education department has requested a contribution of £49,028. The applicant has agreed to make this contribution and this would be secured via a S106 Agreement.

Flood Risk and Drainage

The application site is located within Flood Zone 1 according to the Environment Agency Flood Maps. This defines that the land has less than 1 in 1000 annual probability of flooding and all uses of land are appropriate in this location. As the application site is less than 1 hectare, a Flood Risk Assessment (FRA) is not required as part of this application. The application is in outline form and is considered to be acceptable in terms of its flood risk/drainage implications.

LEVY (CIL) REGULATIONS

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is now necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

The development would result in increased demand for both primary and secondary school places and there is very limited spare capacity. In order to increase capacity of the schools which would support the proposed development, a contribution towards both primary and secondary school education is required. This is considered to be necessary and fair and reasonable in relation to the development.

As explained within the main report, POS and children's play space is a requirement of the Local Plan Policy RT.3. As no provision would be made on site it is necessary to provide

improvements off-site. This contribution is directly related to the development and is fair and reasonable.

On this basis the S106 recommendation is compliant with the CIL Regulations 2010.

10. CONCLUSIONS

The site is within the Open Countryside where under Policy NE.2 there is a presumption against new residential development. The NPPF states that where authorities cannot demonstrate a 5 year supply of housing land, relevant local plan policies are out of date and there is a presumption in favour of development. However, the 2013 SHLAA shows that the Borough has an identified deliverable housing supply of 7.15 years and therefore the automatic presumption in favour of the proposal does not apply.

The proposal does not accord with the emerging Development Strategy. Previous Appeal decisions have given credence to such prematurity arguments where authorities can demonstrate a five year supply of housing land.

The application is in outline form but, from the indicative plan, it is considered that an acceptable design solution can be secured and the development would not have a significant impact upon the landscape.

The proposed development would provide a safe access and the development would not have a detrimental impact upon highway safety or cause a severe traffic impact.

In terms of Ecology, it is not considered that the development would have a significant impact upon ecology or protected species.

Following the successful negotiation of a suitable Section 106 package, the proposed development would provide an adequate contribution in lieu of open space on site.

The necessary requirement for affordable housing would be provided and would be secured through the use of a planning condition.

The education impact can be mitigated through a contribution which the applicant is willing to make and would be secured via a S106 Agreement.

The proposal is considered to be acceptable in terms of its impact upon residential amenity and drainage/flooding and it therefore complies with the relevant local plan policy requirements for residential environments.

Whilst the site does not meet all the minimum distances to local amenities and facilities advised in the North West Sustainability toolkit, there is not a significant failure to meet these and all such facilities are accessible to the site. The development is therefore deemed to be locationally sustainable.

However, these are considered to be insufficient to outweigh the harm that would be caused in terms of the impact on the open countryside, and as a result, the proposal is considered to be

unsustainable and contrary to policies NE2 of the local plan and the provisions of the NPPF in this regard.

11. RECOMMENDATIONS

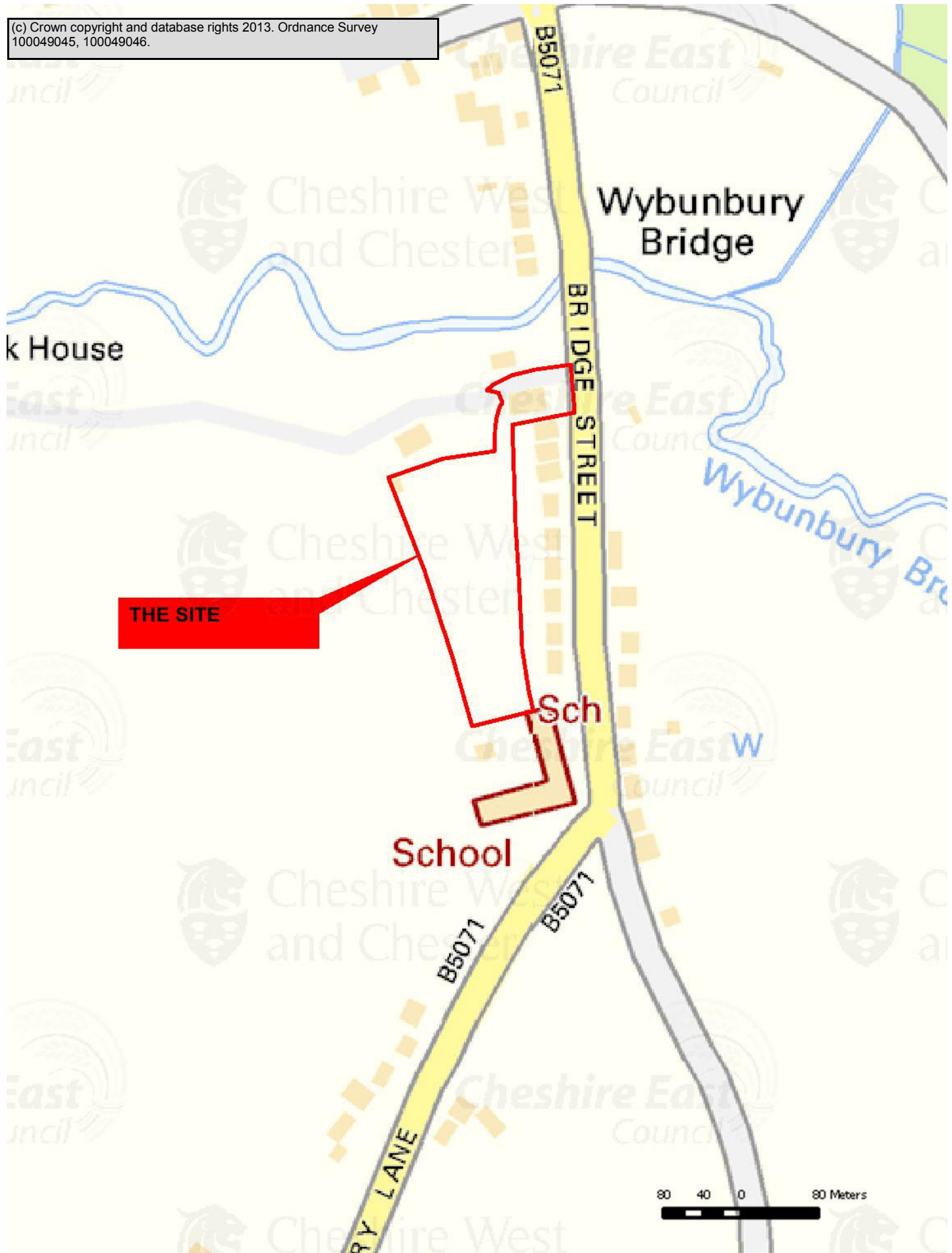
REFUSE:

- 1. The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policy NE.2 (Open Countryside) and the principles of the National Planning Policy Framework and create harm to interests of acknowledged importance. The Local Planning Authority can demonstrate a 5 year supply of housing land supply in accordance with the National Planning Policy Framework. As such the application is also premature to the emerging Development Strategy. Consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.**

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Planning and Place Shaping Manager has delegated authority to do so in consultation with the Chairman of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Committee's decision.

Should this application be the subject of an appeal, authority be delegated to the Development Management and Building Control Manager in consultation with the Chairman of the Strategic Planning Board to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.

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CHESHIRE EAST COUNCIL

STRATEGIC PLANNING BOARD

Date of meeting: 17 July 2013

Report of: Steve Irvine – Planning & Place Shaping Manager

Title: CHESHIRE FRESH, MIDDLEWICH: APPROVAL SOUGHT FOR DELEGATION TO CHESHIRE WEST AND CHESTER COUNCIL

1.0 Purpose of Report

- 1.1 To consider a proposal for Cheshire East Council (CEC) to delegate the determination of a planning application which bisects the administrative boundary to Cheshire West and Chester Council (CWaC) in accordance with Section 101 of the Local Government Act 1972.
- 1.2 To explain the nature of the proposed application in Middlewich and what it will involve so that Members can make an informed decision.

2.0 Decision Required

- 2.1 To determine whether Members wish to delegate authority to Cheshire West & Chester Council (CWaC) in the determination of the proposed Cheshire Fresh planning application in Middlewich.

3.0 Background

- 3.1 Officers from both CEC and CWaC have been in pre-application discussions with agents promoting a food and rural enterprise development to the east of Middlewich. Early discussions centred on finding a new site for the relocation of Chelford Market for Frank Marshall & Co. After extensive site searches and discussions a site in Middlewich was found, albeit just outside the CEC boundary, adjacent to Mid-Point 18 in Middlewich on land owned by Pochins. Subsequent discussions between Pochins, Marshalls and others have resulted in a more extensive proposal focused on a rural hub, and now known as 'Cheshire Fresh'.

4.0 The Proposed Development

- 4.1 The site extends to nearly 19 hectares (47 acres) of open land and is located on the eastern edge of Middlewich. The site is bound to the west by a public house (known as the Salt Cellar) an office development, a Travelodge and by Pochin Way. Beyond Pochin Way, the site is bound to by Midpoint 18 which has been developed by

Pochin. Midpoint 18 is a strategic employment site for CE offering an extensive and mixed employment space employing some 2000 people. The site is bounded to the north by Holmes Chapel Road (A54) which is the main road linking Middlewich with the M6 motorway. The site comprises open land and the River Croco bounds the site to the south.

- 4.2 The proposed food and rural enterprise development will offer a mix of business, retail, leisure, manufacture and distribution uses for the rural economy. Furthermore, the development will have links to the education and research sector.

4.3 A New Auction Centre for Cheshire

The development will be anchored by an Auction Centre which will become the new home to Frank Marshall and Co. and Wright Manley who will relocate from their existing premises at Chelford and Beeston respectively. The Auction Centre will cater for a wide range of livestock sales, together with horticulture, produce, agricultural plant and machinery and general sales. Frank Marshalls and Wright Manley's operations are already well known as the leading livestock centres in the UK and this purpose built facility will provide space for the businesses to expand creating a new centre of excellence which will become a hub of regional importance. The new Auction Centre will not only be designed for auctioneering operations but it will also offer a place of education, recreation and learning. Events and attractions open to the public will utilise the large covered spaces.

4.4 Other Development Components

In addition, Pochin are promoting a mix of development components associated with the food and rural economy. These uses include:

- Food and non-food retail which could be in the form of a garden centre; farm shops; country clothing and equipment shops and specialist traders;
- A food court comprising cafes and restaurants;
- A machinery dealership;
- Hotel and public house; and
- Business areas which could be in the form of offices; workspace for professional services; light industrial, manufacturing and distribution; and a food innovation and enterprise centre.

The proposed indicative layout plan is attached.

4.5 The proposed application

It is intended that a "hybrid" planning application will be submitted to both CEC and CWaC. The planning application will promote the new Auction Centre, associated car parking area and spine road in full detail with all other development components proposed in outline form with all matters reserved except for means of access.

- 4.6 As the site is located within both CEC and CWaC, identical but separate planning applications will be submitted to each Local

Authority. The majority of the site falls within Cheshire West and therefore the application fee would be payable to CWaC. An extensive array of supporting documents to accompany the application including transport, retail, noise, air quality, socio-economic and sustainability assessments will be submitted with the application.

- 4.7 Pochin is currently undertaking an extensive community consultation exercise which to date has included consultation with key stakeholders including CEC and CWaC Ward Members, Middlewich Town Council and other key stakeholders. A Public Exhibition of the draft proposals will be held on Tuesday 16 July at Middlewich preceded by a key stakeholder event. Comments from those events will be fed into the final submissions with an application likely in August 2013. The new auction centre is required by mid-2015.

5.0 Administration Boundaries

- 5.1 The CEC and CWaC administration boundary bisects the site which means that part of the site is located within Cheshire East (in the south western portion) and Cheshire West (in the eastern portion). The administration boundary is shown as a black dotted line on the Location Plan also attached.
- 5.2 The portion of the site which falls within Cheshire East is allocated as an Employment Area in the adopted Congleton Local Plan and has previously benefited from a planning permission for employment development (LPA ref. 06/1427/FUL) which lapsed on 3 April 2010. The remainder of the site falls within Cheshire West and is designated as Open Countryside in accordance with the adopted Vale Royal Local Plan. Planning Policy Officers at CEC and CWaC and Pochin are promoting the allocation of the land for a food and rural enterprise development in the respective emerging Local Plans.

6.0 Approval to Delegate Determination to Cheshire West

- 6.1 Section 101 of the Local Government Act 1972 (or equivalent under the 2000 Act) gives the power for any authority to allow another authority to determine any of its functions (by agreement).
- 6.2 Given the particular nature of the application, the proportion of the site that is within Cheshire East, the employment designation for the area within the Cheshire East, Officers at CEC and CWaC consider that the most appropriate process for determining the planning application(s) is for CEC to delegate determination to CWaC.
- 6.2 If CEC granted this approval, CWaC would lead the determination of the planning application and CEC would act as a consultee. CWaC would work closely with CEC to ensure that both Local Authority requirements are met – as they have done to date. CWaC would be

responsible for all of the administrative tasks associated with the application, such as consultations and notifications.

7.0 Conclusions

- 7.1 Members may feel uncomfortable with another authority determining an application within CEC. This is clearly understandable, and Officers are presenting the proposal at this time so Members can make a decision and provide clarity for the applicants prior to submission of the application(s).
- 7.2 The default approach to cross-boundary applications is that one application is submitted to each authority but they can only determine the particular part of the site which is under their control. Appropriate administrative process, consultations and notifications however are undertaken for each application. The fee however goes to the Council with the largest site area – in this case that would be CWaC. If delegated, then CEC would avoid administrative and processing costs associated with the application.
- 7.3 The indicative plan shows a new access, office/warehousing, and a potential dealership site within that part under CEC control. Under the current Congleton Local Plan the area is designated as employment uses, and therefore in principle the proposed uses are likely to be acceptable and in accordance with policy.
- 7.4 Members will still get the chance to comment on the application in a consultative capacity and any concerns raised will be clearly made to CWaC in their final considerations. Particular issues already raised and to be addressed in submission are the retail impact of the scheme on the centre of Middlewich itself, and also the highway impact on the local road network.

8.0 Recommendation

- 8.1 **That Members consider and decide upon whether Cheshire East Council delegate authority to Cheshire West & Chester Council to determine the forthcoming application for Cheshire Fresh, Middlewich.**

9.0 Financial Implications

- 9.1 No specific financial implications save for the increased cost of dealing with an application to Cheshire East.

10.0 Legal Implications

- 10.1 There are no legal implications with the recommendation which would be in accordance with the Local Government Act.

11.0 Risk Assessment

11.1 There are no identified risks associated with this decision.

12.0 Reasons for Recommendation

12.1 To ensure that Members determine the appropriate course of action to enable the application for Cheshire Fresh to be dealt with both efficiently and effectively.

For further information:

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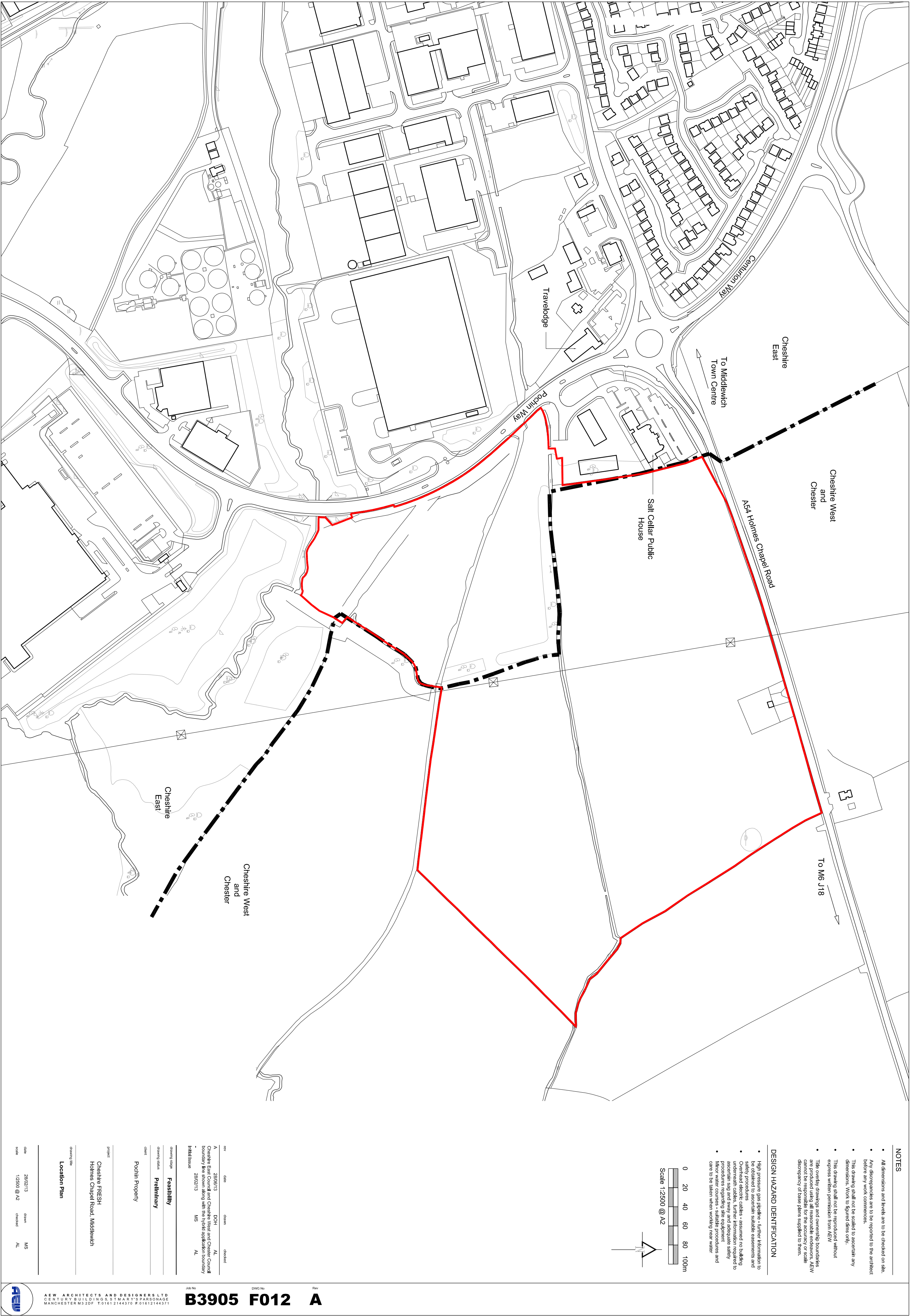
Attachments

Location Plan showing the administrative boundary
The indicative proposed plan

Background Documents:

Local Government Act
Letter from HOW Planning requesting delegation to CWaC

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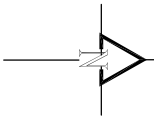
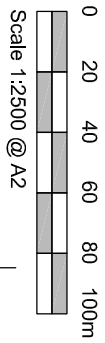


NOTES

- All dimensions and levels are to be checked on site.
- Any discrepancies are to be reported to the architect before any work commences.
- The drawing shall not be scaled to ascertain any dimensions. Work to figure dims only.
- The drawing shall not be reproduced without express written permission from AEW
- Title overlay drawings and ownership boundaries are produced using all reasonable endeavours. AEW does not warrant the accuracy of the data or the absence of discrepancy of base plans supplied to them.

DESIGN HAZARD IDENTIFICATION

- High pressure gas pipeline - further information to be obtained to ascertain suitable assessments and safety procedures
- Overhead electric cables - assumed no building underneath cables, further information required to procedures regarding site equipment
- Minor water courses - suitable procedures and care to be taken when working near water



rev	date	drawn	checked
A	28/06/13	DOH	AL
Cheshire East Council and Cheshire West and Chester Council boundary line shown along with the right application boundary			
Initial Issue	28/02/13	MS	AL

drawing stage	Feasibility
drawing date	Preliminary
client	Pochin Property

project
Cheshire FRESH
Holmes Chapel Road, Middleswich

Location Plan

date	28/02/13	drawn	MS
scale	1/2500 @ A2	checked	AL

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